

Ontario Statutes

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# STATUTES OF THE PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

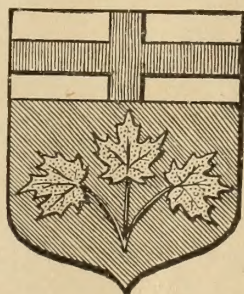
Sixth Year of the Reign of His Majesty

KING EDWARD VII.,

Being the Second Session of the Eleventh  
Legislature of Ontario.

1906

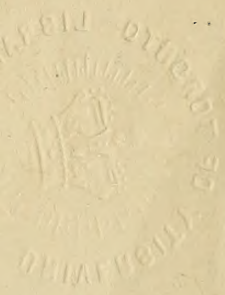
BEGUN AND HOLDEN AT TORONTO ON THE FIFTEENTH DAY OF FEBRUARY IN THE YEAR  
OF OUR LORD ONE THOUSAND NINE HUNDRED AND SIX.



124660  
25-10/12

HIS HONOUR  
WILLIAM MORTIMER CLARK,  
LIEUTENANT-GOVERNOR.

TORONTO:  
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1906.



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## 6 EDWARD VII.

### CHAPTER 1.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and Six and for other purposes therein mentioned.

*Assented to 27th April, 1906.*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes for the year one thousand nine hundred and six; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of Five million eight hundred and fifty-eight thousand five hundred and forty-three dollars and fifteen cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and six, as set forth in Schedule "A" to this Act; and for the expenses of Legislation, Public Institutions' Maintenance, and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and seven, as set forth in Schedule "B" to this Act.

\$5,858,543.15  
granted out of  
consolidated  
revenue fund  
for certain  
purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its next sitting.

Accounts to be  
laid before  
Legislative  
Assembly.

Unexpended  
moneys.

3. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the 20th day of January next shall lapse and be written off.

Expenditure to  
be accounted  
for to His  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

### SCHEDULE "A."

Sums granted to His Majesty by this Act for the year one thousand nine hundred and six, and the purposes for which they are granted:—

#### CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office .....	\$3,900 00	
Office of the Premier and President of the Council .....	14,200 00	
Attorney General's Department ..	29,750 00	
Education Department .....	22,612 00	
Lands and Mines Department ....	84,150 00	
Public Works Department .....	48,150 00	
Treasury Department .....	28,400 00	
Provincial Auditor's Office .....	13,300 00	
Provincial Secretary's Department	113,910 00	
Department of Agriculture .....	45,910 00	
Miscellaneous .....	15,650 00	
		\$419,932 00

#### LEGISLATION.

To defray expenses of Legislation .....	204,600 00
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#### ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice .....	519,058 83
---	------------

#### EDUCATION.

To defray expenses of:—	
Public and Separate School Education .....	\$540,270 59
High Schools and Collegiate Institutes .....	152,150 00
	Departmental

Departmental Library and Museum.	15,550 00
School of Practical Science .....	83,505 00
Public Libraries, Art Schools, Literary and Scientific .....	58,450 00
Technical Education .....	31,620 00
Superannuated Public and High School Teachers .....	63,300 00
Provincial University and Mining Schools .....	170,166 17
Maintenance Education Department and Miscellaneous .....	23,896 72
Institution for Deaf and Dumb, Belleville .....	56,918 00
Blind Institute, Brantford .....	37,590 10
	<hr/> \$1,233,416 58

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto ...	\$115,496 00
Asylum for the Insane, London ...	147,129 00
Asylum for the Insane, Hamilton..	135,511 00
Asylum for the Insane, Kingston...	94,122 00
Asylum for the Insane, Mimico ...	83,244 00
Asylum for the Insane, Brockville.	93,492 00
Asylum for the Insane, Cobourg ...	26,190 00
Asylum for the Insane, Penetanguishene .....	41,006 00
Asylum for Epileptics, Woodstock	27,823 33
Asylum for the Feeble Minded, Orillia .....	75,608 00
Medical Relieving Officer.....	333 33
Central Prison, Toronto .....	71,570 00
Central Prison Industries .....	66,885 00
Mercer Reformatory, Toronto.....	30,050 00
To pay balance 1905 accounts ...	30,612 62
	<hr/> 1,039,072 28

## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture .....	\$446,406 95
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## COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration .....	\$35,465 00
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## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities .....	\$285,009 88
---	--------------

MAINTENANCE



MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House .....	\$18,000 00	
Parliament and Departmental Buildings .....	69,460 00	
		<hr/> \$87,460 00

PUBLIC BUILDINGS.

Public Institutions:—		
Asylum for Insane, Toronto .....	\$8,885 00	
Asylum for Insane, Mimico .....	22,225 00	
Asylum for Insane, London .....	10,300 00	
Asylum for Insane, Hamilton ...	15,875 00	
Asylum for Insane, Kingston ...	13,450 00	
Asylum for Insane, Brockville ...	10,800 00	
Asylum for Insane, Cobourg .....	5,050 00	
Asylum for Insane, Penetanguishene .....	11,200 00	
Asylum for Epileptics, Woodstock	87,800 00	
Asylum for Feeble Minded, Orillia	6,450 00	
Central Prison, Toronto .....	14,610 00	
Mercer Reformatory, Toronto .....	3,685 00	
Osgoode Hall additions .....	35,000 00	
Educational:—		
Normal and Model Schools, Toronto .....	5,300 00	
Normal and Model School, Ottawa	5,150 00	
Normal School, London .....	1,500 00	
School of Practical Science .....	64,080 00	
Deaf and Dumb Institute, Belleville .....	5,800 00	
Institution for the Blind, Brantford .....	7,640 00	
Ontario Agricultural College .....	60,845 00	
Districts:—		
Muskoka .....	100 00	
Parry Sound .....	2,700 00	
Algoma .....	300 00	
Thunder Bay .....	1,600 00	
Rainy River .....	500 00	
Nipissing .....	4,550 00	
Total Public Buildings .....		<hr/> \$405,395 00

PUBLIC WORKS.

To defray expenses of Public Works .....	\$95,260 00
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COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs .....	\$204,410 00
	CHARGES

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	\$427,525 00
--	--------------

## REFUNDS.

Education .....	\$2,000 00
Crown Lands .....	31,205 00
Municipalities Fund.....	243 32
Land Improvement Fund .....	1,911 31
Miscellaneous .....	10,000 00
	<hr/>
	\$45,359 63

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure .....	\$160,172 00
	<hr/>
Total Estimates for Expenditure of 1906...	\$5,608,543 15

## SCHEDULE "B."

Sum granted to His Majesty by this Act for the year one thousand nine hundred and six, and the purposes for which it is granted:—

To defray the expenses of Legislation, Public Institutions' Maintenance, and for Salaries of the officers of the Government and Civil Service for the month of January, 1907 ...	\$250,000 00
	<hr/>
Total .....	\$5,858,543 15

## CHAPTER 2.

An Act for granting to His Majesty certain further sums of money to defray expenses of Civil Government for the year One Thousand Nine Hundred and Six and for other purposes therein mentioned.

*Assented to 14th May, 1906.*

MOST GRACIOUS SOVEREIGN :

Preamble.

**W**HEREAS it appears by messages from His Honour William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that in addition to sums already appropriated the the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes for the year one thousand nine hundred and six; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

\$662,850.46  
granted out of  
Consolidated  
Revenue.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, in addition to sums already appropriated, a sum (not exceeding in the whole) of Six hundred and sixty-two thousand eight hundred and fifty dollars and forty-six cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and six, as set forth in Schedule "A" to this Act.

Accounts to be  
laid before  
Legislative  
Assembly.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its next sitting.



3. Any part of the moneys under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the 20th day of January next shall lapse and be written off.

Unexpended  
moneys.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Expenditure to  
be accounted  
for to His  
Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the year one thousand nine hundred and six, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office .....	\$400 00	
Attorney-General's Department .....	460 00	
Education Department .....	570 00	
Lands and Mines Department .....	100 00	
Treasury Department .....	575 00	
Provincial Auditor .....	500 00	
Provincial Secretary's Department .....	2,775 00	
Department of Agriculture .....	818 00	
Public Works Department .....	350 00	
Miscellaneous .....	100 00	
		<hr/>
		\$6,648 00

LEGISLATION.

To defray expenses of Legislation .....	10,250 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice.....	45,786 10
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EDUCATION.

To defray expenses of:—

Grants to Societies and Educational Institutions .....	\$280 00
Continuation Classes (for Libraries and Scientific equipment) .....	10 000 00

Special

Special Grant Public and Separate Rural Schools, Counties .....	\$60,000 00	
Public and Separate Rural Schools, new districts (for general equipment) and Poor, Public and Separate Rural Schools (old districts) .....	12,000 00	
County Public School Inspectors (coming into effect July 1st) .....	6,000 00	
Election Expenses, Advisory Council .....	400 00	
Inspection of Continuation Classes (4 mos.) .....	667 00	
Salary for Superintendent of Education half-year .....	1,750 00	
Medical Faculty of Queen's College, for promotion of medical education .....	50,000 00	
Provincial University .....	1,186 06	
Repairs and Maintenance of Education Department .....	990 00	
Normal and Model School Toronto .....	50 00	
Institution for the Blind .....	100 00	
Public Libraries, Art Schools, Literary and Scientific .....	2,500 00	
School of Practical Science .....	3,767 00	
Public and Separate Schools .....	100 00	
		<hr/>
		\$149,790 06

## PUBLIC INSTITUTIONS MAINTENANCE.

To defray expenses of:—

Asylum for Insane, London .....	\$30 00	
Asylum for Insane, Brockville .....	70 00	
Asylum for Epileptics, Woodstock .....	250 00	
Central Prison Industries .....	800 00	
To pay balance 1905 accounts .....	2,229 30	
		<hr/>
		\$3,379 30

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities .....	55,789 52
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## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture ...	14,150 00
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## COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration ...	3,100 00
	PUBLIC

## PUBLIC BUILDINGS.

## Public Institutions:—

Asylum for insane, Toronto .....	\$500 00
Asylum for Insane, Mimico .....	1,000 00
Asylum for Insane, Hamilton .....	500 00
Asylum for Insane, Kingston .....	13 893 00
Asylum for Insane, Brockville .....	2,000 00
Asylum for Insane, Penetanguishene .....	2,100 00
Asylum for Epileptics, Woodstock .....	1,700 00
Central Prison, Toronto .....	500 00
Ontario Agricultural College .....	9,500 00
Mercer Reformatory .....	1,760 00
Normal School, Toronto .....	850 00
Normal School, London .....	2,500 00
School of Practical Science and Normal Schools .....	106,000 00

## Districts:—

Nipissing .....	5,850 00
Rainy River .....	1,100 00
Parry Sound .....	1,600 00

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 \$151,353 00

## PUBLIC WORKS.

To defray expenses of Public Works .....	21,750 00
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## COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs .....	30,600 00
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL  
BUILDINGS.

Parliament and Departmental Buildings .....	2,250 00
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## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands .....	64,700 00
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## REFUNDS.

Crown Lands .....	2,269 20
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## MISCELLANEOUS.

To defray Miscellaneous Expenditure .....	101,035 19
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Total .....	<hr/> \$662,850 46
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## CHAPTER 3.

An Act to amend The Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie.

*Assented to 27th April, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

4 Edw. VII.  
c. 19, s. 1,  
amended.

1. Section 1 of the Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie passed in the 4th year of the reign of His Majesty King Edward VII, and chaptered 19, is hereby amended by adding thereto the following clauses:

Government  
authorized to  
renew  
guarantee.

(a) The Government may renew the guarantee of the principal of the loan of \$2,000,000 and interest as above set out or any portion thereof for a period not exceeding one year from the 1st day of May, 1906, and in the event of any portion of the said loan being taken up then on being released from the guarantee of such portion, the Government may from time to time release its lien on a proportionate amount of the collateral securities set out in subsection (11) of section 4. The form and manner of renewal or of release shall be subject to the approval of the Lieutenant-Governor in Council and the new guaranty as well as any release shall be signed by the Provincial Treasurer, or such officer as may be designated by the Lieutenant-Governor in Council.

4 Edw. VII.  
c. 19, s. 8, to  
apply to  
renewal.

(b) The provisions of section 8 of this Act shall apply to any renewal or new guarantee given under the authority of this section, and the Government shall be liable in respect of any such renewal or guarantee as fully as they were for the original loan.

- (c) In case it appears expedient, the Government may guarantee the principal of a new loan in substitution of or to take the place of the existing loan or by way of renewal thereof, or providing for payment thereof not exceeding \$2,000,000, and the interest thereon, and all agreements, notes, certificates, endorsements, or documents in connection therewith shall be signed and executed by the Provincial Treasurer or such officer as may be designated by the Lieutenant-Governor in Council.
- (d) The pledged securities and the collateral securities which may be retained shall remain pledged for the purpose of securing the Government against liability on any amount of renewal guarantee or new loan given as herein provided.
- Government may guarantee substitutional loan.
- Securities pledged to remain liable for new loan or renewal.

## CHAPTER 4.

## An Act for raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provincial loan  
of \$3,000,000  
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding Three Million Dollars (\$3,000,000) for any or all of the purposes following, that is to say: for the public service; for works carried on by Commissioners on behalf of the Province; for the covering of any debt of the Province on open account; for paying any floating indebtedness of the Province, and for the carrying on of the public works authorized by the Legislature.

Term of debt.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario and shall be chargeable thereupon.

Bonds to be  
free from all  
taxes, etc.

3. All bonds and inscribed stock issued under the authority of this Act shall be free from all Provincial taxes, succession duty, charges and impositions whatsoever.



## CHAPTER 5.

An Act respecting certain Sums of Money in the Custody of the Accountant of the Supreme Court of Judicature.

*Assented to 14th May, 1906.*

**W**HEREAS certain charges were on the 11th day of Preamble.  
March, 1903, made by Robert Roswell Gamey, a member of the Legislative Assembly of this Province, affecting the good government of the Province, whereby the said Robert Roswell Gamey charged and declared that James Robert Stratton, another member of the said Legislative Assembly and a member of the Executive Council, did certain corrupt and unlawful acts by attempting to bribe him the said Robert Roswell Gamey, by the payment of certain moneys, and whereas a Commission was issued on the 28th day of March in the year 1903 for the purpose of enquiring into, and investigating the said charges; and whereas in the course of the said enquiry and during the evidence of the said Robert Roswell Gamey, certain moneys and a certain cheque were produced by him being bank notes amounting in the aggregate to \$500 and a certain cheque on the Traders Bank of Canada for \$1,500 and whereas, the said notes and cheque were by direction of the Commissioners placed in the custody of the Accountant of the Supreme Court of Judicature, and whereas it is expedient that further order should be made with regard to the said notes and cheque.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province Ontario, enacts as follows:

1. The said bank notes of \$500 and the said cheque of \$1,500 are hereby declared to be forfeited to His Majesty for the public uses of the Province, and to have been so forfeited from the time of being produced during the said enquiry, and the Accountant of the Supreme Court is hereby directed to endorse said cheque to the Treasurer of the Province.

2. The said moneys so forfeited as aforesaid shall be applied to such charitable purposes as the Lieutenant-Governor in Council shall determine.

## CHAPTER 6.

An Act to amend<sup>a</sup> The Manhood Suffrage Registration Act.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,  
c. 8, Schedule  
amended.

1. Forms 9 and 10 in the Schedule to *The Manhood Suffrage Registration Act*, as amended by the Act passed in the Second year of His Majesty's reign, chapter 6, are amended by adding thereto the following as paragraph 1a:

Oaths of man-  
hood suffrage  
voters.

1a. "That you are not a citizen or a subject of any foreign country."



## CHAPTER 7.

## An Act to amend The Ontario Election Act.

*Assented to 27th April, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4<sub>c</sub> of section 69 of *The Ontario Election Act* is amended by striking out all the words after the word “used” in the third line of the said subsection.

Rev. Stat.  
c. 9, s. 69,  
subs. 4  
amended.

2. Sub-section 3 of section 70 of the said Act is repealed and the following substituted therefor:

Number on  
counterfoil  
and ballot.  
Rev. Stat.  
c. 9, s. 70,  
subs. 3  
repealed.

“(3) The tendered ballot papers and counterfoils attached thereto, shall be bound or stitched in a manner similar to that directed in the case of the other ballot papers and counterfoils. The number of tendered ballot papers shall not be less than ten per centum of the number of the ordinary ballot papers.”

Tendered  
ballot papers

3. Section 100 of the said Act is hereby repealed.

Rev. Stat. c. 9,  
s. 100 repealed.

4. Section 103 of the said Act is amended by striking out the words “and the number on the back” in the thirteenth line and the words “and the number on the back of the paper” in the twenty-first line of the said section.

Rev. Stat. c. 9,  
s. 103 amended.

5.—(1) Clause 1 of section 112 of the said Act is amended by striking out the words “and taking all precautions not to see or to permit any person to see the number printed on the back of any paper” at the end of the said clause.

Rev. Stat. c. 9,  
s. 112, cl. 1  
amended.

(2) Clause 3 of the said section is amended by striking out the words “the printed number and” in the 4th line of the said clause.

Rev. Stat. c. 9,  
s. 112, cl. 3  
amended.

Rev. Stat. c. 9,  
s. 143 amended. **6.** Section 143 of the said Act is amended by striking out the words "marked with the same printed number and" in the 5th line from the end of the said section.

Rev. Stat. c. 9,  
s. 155, subs. 3  
amended. **7.—(1)** Subsection 3 of section 155 of the said Act is amended by striking out all the words after the word "voted" in the 4th line of the said subsection.

Rev. Stat. c. 9,  
s. 155, subs. 4  
amended. **(2)** Subsection 4 of the said section is amended by striking out the words "the number on the back of any ballot paper" in the fourth line of the said subsection.

Rev. Stat. c. 9,  
Sched. "A,"  
Form 11  
amended. **8.** Form 11 in Schedule "A" to the said Act is amended by striking out the words "Counterfoil No." "No on Voters Lists in Poll Book" "*Note—The Counterfoil is to have a number to correspond with that on the back of the Ballot Paper*" and the reference to any number on the back of the ballot paper set out in the said Form.

Rev. Stat. c. 9,  
Sched. "A,"  
Form 13  
amended. **9.** Form 13 in Schedule "A" to the said Act is amended by striking out the words "and not to attempt to see or ascertain at the counting the number on the back of any ballot paper or the number on any counterfoil" in the third, fourth and fifth lines of the first paragraph of the said Form.

Rev. Stat. c. 9,  
Sched. "A,"  
Form 26  
amended. **10.** Form 26 in Schedule "A" to the said Act is amended by striking out all the words after the word "law" in the third line of the third paragraph of the said Form.

Rev. Stat. c. 9,  
Sched. "A,"  
Form 27  
amended. **11.** Form 27 in Schedule "A" to the said Act is amended by striking out the words "that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper and;" in the first, second and third lines of the second paragraph of the said Form.



## CHAPTER 8.

## An Act to amend The Ontario Election Act.

*Assented to 14th May, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 20 of *The Ontario Election Act* is repealed and the following substituted therefor:—

Rev. Stat., c. 9  
s. 20 repealed.

20. Every Writ for the election of a Member of the Legislative Assembly shall be addressed to such person, being a voter of the Electoral District for which the Election is to take place, as the Lieutenant-Governor may appoint, and such person shall be the Returning Officer at such Election.

Writs for  
elections, to  
whom ad-  
dressed.

2. Section 21 of *The Ontario Election Act* is repealed.

Rev. Stat., c. 9,  
s. 21, repealed.

3. Section 22 of *The Ontario Election Act* is amended by striking out all the words in the said section, down to, and including, the word "addressed" in the third line, and substituting instead the following words: "in case the person to whom the Writ has been addressed, has died, or".

Rev. Stat., c. 9,  
s. 22 amended.

4. Section 22a of *The Ontario Election Act*, as enacted by section 1 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chapter 4, is repealed.

Rev. Stat., c. 9,  
s. 22a repealed.

5. Section 25 of *The Ontario Election Act* is amended by striking out the words "Sheriffs or Registrars, or," in the second line thereof.

Rev. Stat., c. 9,  
s. 25, repealed.

6. Section 26 of *The Ontario Election Act* is amended by striking out the words "every Sheriff or Registrar, and every other person" in the first line of the said Section, and substituting instead the words "every person"; and by striking out the words "not being a Sheriff or Registrar, and" in the sixth line.

Rev. Stat., c. 9,  
s. 26 amended.

7. Subsection 1 of section 32 of *The Ontario Election Act* is amended by striking out all the words in the said sub-

Rev. Stat., c. 9,  
s. 32, subs. 1  
amended.

section after the words "directed to" in the third line, and substituting instead the words "to such person as may be appointed by the Lieutenant-Governor."

Rev. Stat., c. 9,  
s. 32, subs. 2  
repealed.

8. Subsection 2 of section 32 of *The Ontario Election Act* is repealed.

4 Edw. VII, c.  
10, s. 5, subs. 2  
repealed.

9. Subsection 2 of section 5 of *The Statute Law Amendment Act, 1904*, is repealed.

Rev. Stat.,  
c. 9, forms 16,  
17, 18 amended.  
Oaths of  
voters.

10. Forms 16, 17 and 18 in Schedule "A" to *The Ontario Election Act* are amended by inserting in each of the said forms the following as paragraph 1 (a): "That you are not a citizen or subject of any foreign country."

Rev. Stat.,  
c. 9, forms  
19, 20 amended.  
Oaths of  
voters.

11. Forms 19 and 20 in Schedule "A" to the said Act are amended by adding the following as paragraph 5 (a): "That you are not a citizen or subject of any foreign country."

## CHAPTER 9.

An Act to amend The Supplementary Revenue Act,  
1899.*Assented to 14th May, 1906.*

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause *b* in the paragraph numbered 1 of section 2 of *The Supplementary Revenue Act, 1899*, as amended by sub-section 2 of section 2 of *The Supplementary Revenue Act, 1900*, is repealed, and the following substituted therefor:—

(*b*) Every bank shall pay an additional tax of \$100 for the Head Office in the Province and \$25 for each additional Office, Branch or Agency in the Province.

Tax upon  
offices and  
branches of  
banks.

2. The paragraph number 5 of section 2 of *The Supplementary Revenue Act, 1899*, as amended by section 5 of *The Supplementary Revenue Act, 1900*, and by section 1 of *The Act to amend the Supplementary Revenue Act, 1899*, being the Act passed in the 4th year of His Majesty's reign, chaptered 5, is repealed and the following substituted therefor:—

62 V. (2) c. 8,  
s. 2, par. 5,  
repealed.

5. Every railway company owning, operating or using in whole or in part in this Province a steam or electric railway shall pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, owned, operated or used as aforesaid in any organized county; and of \$40 per mile for one track and, where the line consists of two or more tracks, of \$10 per mile for each additional track, owned, operated or used as aforesaid in unorganized territory, being territory without county organization; provided that a railway company owning, operating or using a steam or electric railway which does not, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with

Tax payable  
by railway  
companies.



with which it forms one system, exceed 150 miles in length from terminus to terminus, shall in lieu of the said tax pay a tax of \$15 per mile for one track and, where the line consists of two or more tracks, of \$5 per mile for each additional track; provided further, that no tax under this section shall be payable in respect of so much of the track of an electric railway as is situate upon any public highway or lies within the limits of any city.

(a) Both the company owning the railway or the part thereof in question and the company or companies operating or using the same shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer, but the total amount payable in respect of any railway shall not exceed the amounts above respectively mentioned, notwithstanding that such railway is owned, operated or used by more than one company.

(b) The measurement of trackage for the purposes of this section shall not include switches, spurs or sidings.

62 V. (2) c. 8,  
s. 2, amended.

3. Section 2 of *The Supplementary Revenue Act, 1899*, is amended by adding thereto the following paragraph:—

Tax on street  
railways.

6.—(a) Every street railway company working or operating a street railway partly within a city and partly on the public highways without the limits of any city shall pay a tax of \$10 per mile for each mile of track without such limits as aforesaid. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track; but in calculating the mileage mere switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted.

Distribution of  
one half the  
revenue from  
railway tax  
among muni-  
cipalities.

4.—(1) There shall be set apart annually on the 31st day of December in each year from the Consolidated Revenue Fund of the Province a sum equal to one-half the total receipts of the Province during such year for taxes from railway companies under sub-section 5 of section 2 of *The Supplementary Revenue Act, 1899*, and the amendments thereto, after deducting from said total receipts the sum of \$30,000, and the sum so set apart shall, on the 31st day of December in each year, be credited to the cities, towns, incorporated villages and organized townships in the Province in proportion to population as compared with the whole population of the Province, according to the enumeration thereof as shewn by the last preceding Dominion census, at the date of such distribution, and in the event  
of

of such population being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council shall determine the population of such municipality for the purposes of this Act, and the Lieutenant-Governor in Council may also fix the amount in cents per head of the population to be so credited without allowing for fractions of a cent.

(2) Against such credit there shall be charged to each such municipality, as a contribution towards the maintenance of such patients, a sum amounting to ten cents per patient per day for each patient belonging to such municipality maintained for the whole or any part of such year in any lunatic or other asylum of the Province, such charge to be made only in respect of patients on whose account the Province is not in receipt from any source or sources of one dollar and a half per week or more.

Municipalities to be debited with cost of maintenance of inmates of asylums, etc.

(3) In each such case all questions as to the liability of the municipality in question to such charge shall be determined by an officer designated for that purpose by the Provincial Secretary. Such decision may at any time and from time to time be varied or cancelled by such officer or by any other officer designated as aforesaid.

Liability of municipality, how to be determined.

(4) The balance remaining at the credit of each such municipality after deducting such charge shall be forthwith paid by the Provincial Treasurer to such municipality; but no municipality shall be liable for any payment should the amount charged as aforesaid in any year exceed the amount credited as aforesaid in such year.

Balance to be paid over to municipality towards maintenance of patients in excess of the amount so credited.

(5) The names of the patients in respect of whom such charge is made shall be furnished each year to the municipality in question, but the same or any of them shall not be published in the accounts of the municipality unless the council of the municipality so directs.

Names of patients to be sent to municipalities.

## CHAPTER 10.

An Act respecting the Department of Lands,  
Forests and Mines.*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 14, s. 2; 5  
Edw., VII., c. 5,  
s. 1, amended.

1. Section 2 of *The Act respecting the Executive Council* as amended by section 1 of the Act passed in the fifth year of His Majesty's reign, chaptered 5, is further amended by striking out the words "Minister of Lands and Mines" and inserting in lieu thereof the words "Minister of Lands, Forests and Mines."

"Department of  
Lands, Forests  
and Mines."

2. The words "Department of Lands, Forests and Mines" and the words "Minister of Lands, Forests and Mines" are substituted for the words "Department of Crown Lands" and "Minister of Lands and Mines" respectively wherever they occur in any Act of the Province of Ontario referring to the Department of Crown Lands or the Minister of Lands and Mines; and the words "Deputy Minister of Lands and Forests" are substituted for the words "Deputy Minister of Lands and Mines" wherever the same occur in any such Act referring to the Deputy Minister of Lands and Mines.

Rev. Stat., c. 28,  
s. 4, repealed.

3. Section 4 of *The Public Lands Act* is repealed and the following substituted therefor:

Deputy Min-  
ister of Lands  
and Forests.

4.—(1) There shall be a Deputy Minister of Lands and Forests, who shall be appointed from time to time as a vacancy occurs by the Lieutenant-Governor in Council and shall perform such duties in the Department of Lands, Forests and Mines as may be assigned to him by the Lieutenant-Governor in Council or the Minister of Lands, Forests and Mines, and in the absence of the Minister or in the case of a vacancy in the office of Minister, shall preside over the Department as regards all matters other than those under this Act assigned to the Deputy Minister of Mines,  
and



and the Deputy Minister of Lands and Forests shall discharge as to the matters assigned to him the duties of the Minister of Lands, Forests and Mines.

(2) There shall also be a Deputy Minister of Mines, who shall be appointed by the Lieutenant-Governor in Council from time to time as a vacancy occurs, who shall perform such duties in the said Department in connection with mines, mining lands and the mining industry and other matters as may be assigned to him by the Lieutenant-Governor in Council or the Minister of Lands, Forests and Mines, and in the absence of the Minister or in the case of a vacancy in the office of Minister, shall discharge therein the duties of the Minister with respect to mines, mining lands, and the mining industry and such other matters as may be assigned to him as aforesaid. Deputy Minister of Mines.

(3) The Deputy Minister of Lands and Forests and the Deputy Minister of Mines shall each before entering upon the duties of his office take an oath faithfully to discharge the same, which oath shall be administered by the Minister of Lands, Forests and Mines or any person appointed by the Lieutenant-Governor in Council for that purpose. Deputies to be sworn.

(4) In the absence of either of the said Deputy Ministers the other Deputy Minister shall take his place and discharge his duties. In absence of one Deputy other to act.

## CHAPTER 11

## An Act respecting Mines.

*Assented to 14th May, 1906.*

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**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Mines Act, 1906*. Short title.  
R.S.O. 1897, c. 36, s. 1.

## GENERAL PROVISIONS.

### INTERPRETATION.

2. Where the following words occur in this Act, and <sup>Interpretation</sup> in Orders-in-Council or regulations under it, they shall be construed in the manner herein mentioned, unless a contrary intention appears:

(1) "Agent," when used in relation to any mine, shall <sup>"Agent."</sup> mean any person having, on behalf of the owner, care or direction of any mine, or of any part thereof, and shall include "manager" and "superintendent." R.S.O. 1897, c. 36, s. 2 (11).

(2) "Crown lands" shall include all Crown lands, School <sup>"Crown-lands."</sup> lands or Clergy lands not in the actual use or occupation of the Crown, or of any public Department of the Government of the Dominion of Canada, or of this Province, or of any officer or servant thereof, and not under lease or license of occupation from the Crown or the Minister of Lands and Mines, and as to which no adverse claim exists which is subsequently recognized by the Minister of Lands and Mines. R.S.O. 1897, c. 36, s. 2 (4).

(3) "Department" means and includes the Department <sup>"Department."</sup> of Lands, Forests and Mines of the Province of Ontario.



- "In place." (4) "In place" shall mean the place or position in which a vein, lode or other deposit of mineral or minerals was originally formed or deposited, as distinguished from loose, fragmentary or broken rock, boulders or float, and from a bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel.
- "Inspector." (5) "Inspector" shall include any inspector appointed under this Act, and whether for a Mining Division or any part thereof, or for the Province. R.S.O. 1897, c. 36, s. 2 (12).
- "Licensee." (6) "Licensee," "holder of a mining license," means and includes the person, registered partnership or company named in a miner's license duly issued under the provisions of this Act, while said miner's license or any renewal thereof is in force and unexpired and not cancelled or revoked under this Act.
- "Minister." (7) "Minister" means and includes the Minister or Acting Minister for the time being of the Department of Lands, Forests and Mines of the Province of Ontario.
- "Machinery." (8) "Machinery" shall include steam or other engines, boilers, furnaces, stamps or other crushing apparatus, winding or pumping gear, chains, trucks, tramways, tackle, blocks, ropes or tools, and all appliances of whatsoever kind used in or about or in connection with the mine. R.S.O. 1897, c. 36, s. 2 (9).
- "Mine." (9) The noun "mine" shall include every shaft sunk or in the course of being sunk, and every adit, level and inclined plane driven or in the course of being driven for commencing or opening or working any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways and sidings, both below ground and above ground, in and adjacent to a mine, and any such shaft, level and inclined plane belonging to any mine to which this Act applies, together with all rocks, soils, or strata containing any ore or valuable mineral, and all roast yards, smelting furnaces and other places where the work of mining or the crushing, reducing, smelting, refining or otherwise treating of ore or mineral may be carried on, and all borings, holes or wells put down for searching for or procuring any mineral or mineral substance. R.S.O. 1897, c. 36, s. 2 (1).
- "Mine,"  
"mining." (10) The verb "mine" and the participle "mining" shall include any mode or method of working whatsoever whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, carted, carried, washed, sifted, roasted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining any metal or mineral therefrom, whether the same may have been previously disturbed or not. R.S.O. 1897, c. 36, s. 2 (2).

(11) "Mining Division" shall include any tract of country declared or proclaimed by Order-in-Council to be a Mining Division under this Act. R.S.O. 1897, c. 36, s. 2 (3). "Mining, Division."

(12) "Mining rights" shall mean the ores, mines and minerals on or under any land where the same are or have been dealt with separately from the surface of the land. R.S.O. 1897, c. 36, s. 2 (6). "Mining rights."

(13) "Mining lands" shall mean and include all lands and mining rights patented or leased under or by authority of any statute, regulation, Act, or Order in Council at any time in force in Ontario, respecting mines or mining lands, and likewise all lands used for mining purposes. "Mining lands."

(14) "Official," "officer," means and includes the Deputy Minister of Mines, the Provincial Geologist, the Provincial Assayer, the Inspectors, Mining Recorders and other officials for the time being duly appointed under this Act. "Official," "officer"

(15) "Owner" when used in relation to any mine, or mining land or mining rights shall include every person, registered or unregistered partnership or body corporate, who is the immediate proprietor or lessee or occupier of any mine, or of any part thereof, or of any land located, patented or leased as mining land under this or any other Act or law of, or applicable to, this Province, now or heretofore in force, relating to mines, minerals or mining, but shall not include a person, registered or unregistered partnership or body corporate who merely receives a royalty, rent or fine from a mine or mining land, or is merely the proprietor of a mine or mining land subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the ore or minerals thereon. R.S.O. 1897, c. 36, s. 2 (10). "Owner."

(16) "Patent" shall mean a Crown grant and shall be deemed in the case of a mining claim, or a special mining claim, to include the fee simple or any less portion thereof expressly stated, and in the case of mining rights to include all the Crown title in the mines, ores and minerals thereof, together with, unless therein otherwise expressly stated, all necessary rights of way and also water (if any) essential to the due working thereof. "Patent."

(17) "Placer mining claim" shall mean any natural stratum or bed of earth, gravel or cement mined for gold or other precious minerals or stones. "Placer mining claim."

(18) "Prescribed" refers to the direction contained in an Order-in-Council or an Order or regulation made by the Minister or Mining Commissioner under the authority of this Act. "Prescribed."

"Shaft." (19) "Shaft" shall include pit, and "plan" shall include a map or section, and a correct copy or tracing of any original plan as so defined. R.S.O. 1897, c. 36, s. 2 (8).

"Stake,"  
"post." (20) "Stake", "post" shall mean a stake standing not less than four feet above the ground, and squared or faced on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, and any stump or tree cut off and squared or faced to the above height or size; provided when the survey is made the centre of the tree or stump where it enters the ground shall be taken as the point to or from which measurement shall be made.

R.S.B.C.  
1897, c. 18, s. 2.

"Surface rights." (21) "Surface rights" shall mean lands granted, leased or located for agricultural or other purposes and in respect of which the ores, minerals and mines thereupon or under the surface thereof are by statute the patent or lease, or otherwise, reserved to the Crown. R.S.O. 1897, c. 36, s. 2 (5).

"Valuable mineral." (22) "Valuable mineral" shall mean a vein, lode or other deposit of mineral or minerals in place, containing such quantities of mineral or minerals, other than limestone, marble, clay, marl, peat, or any building stone, as to make it probable that the said vein, lode or other deposit is capable of being developed into a workable mine.

"Water power." (23) "Water-power" shall be deemed to include not only the land under water at a fall or rapid, but also the land adjoining such water to the extent of one chain on every side thereof, together with such additional area adjoining the same as, in the opinion of the Mining Recorder of the Mining Division wherein same is situate, or of the Minister may be necessary for the proper development and utilization of such water-power. 63 V. c. 13, s. 19.

#### APPLICATION OF ACT.

Mines etc., to be subject to provisions of Act. 3.—(1) All mines, minerals, mining lands and mining rights of every nature and kind within the legislative jurisdiction of the Province of Ontario, and every owner thereof shall, where not herein otherwise provided, be subject to the provisions of this Act.

Section 160,  
application  
limited.

(2) The provisions of section 160 of this Act shall not apply to mines, minerals, mining lands, mining claims and mining rights granted, leased, located or recorded prior to the date this Act comes into operation, or to mines, minerals, mining lands, mining claims or mining rights applied for prior to the date this Act comes into operation, under *The Mines Act* or any regulations



ulations thereunder unless the application therefor is thereafter abandoned, withdrawn or refused, or lapses, or the applicant omits to pay to the Department the purchase price or first year's rental of the said mining lands or mining rights, as the case may be, within the period or periods prescribed by *The Mines Act*, or otherwise to fulfil any of the conditions required of applicants for mining lands under the said Act. Provided that all mining claims situated in the townships of Coleman, Bucke, Lorrain and Hudson staked out and recorded on and after the 28th day of August, A.D. 1905, under the Regulations for Mining Divisions, shall be subject to the provisions of this Act. Proviso.

(3) Notwithstanding the passage of this Act applicants for mining lands who have complied with the provisions of *The Mines Act* or regulations thereunder respecting applications for such lands and whose applications are pending before the Department at the time this Act is passed, shall not be debarred from completing their applications in terms of the law in force previous to the coming into operation of this Act as same is interpreted by the Minister, or from obtaining such title to the said lands as is provided for therein, as fully as if this Act had not been passed. Rights of applicants preserved.

(4) Where not situated within the limits of a Special Mining Division, Crown lands containing any bed, stratum or deposit of limestone, marble, clay, marl, peat or any building stone may be staked out as mining claims under this Act upon proof being furnished to the satisfaction of the Mining Recorder of the Mining Division in which the lands are situated that such bed, stratum or deposit is of a size and character as to be workable for any one or more of such substances, but all valuable minerals as defined in this Act shall be reserved therefrom; but no such claim shall be staked out on any land heretofore or hereafter located, sold or patented under the *Public Lands Act* or the *Free Grants and Homesteads Act* or the regulations made thereunder, and the said substances shall be deemed to have been conveyed by any such patent heretofore issued or any such patent hereafter issued; provided that this section shall not affect any rights heretofore acquired in any such substances or the land containing the same. Staking claims on lands containing stone, marble etc.

4. All royalties which by the Act passed in the 54<sup>th</sup> year of Her Majesty's reign, entitled *An Act to amend the General Mining Act*, or by *The Mines Act, 1892*, or by the Revised Statutes (1897) respecting mines, or by any patent, have been reserved, imposed or made payable to the Crown for the use of the Province upon or in respect of any ores or minerals extracted from lands granted under any patent or lease, are declared to be abandoned. Royalties under 54 V., c. 8, 55 V., c. 9, abandoned. 63 V. c. 13, s. 2.

Reservations  
of mines etc.,  
in certain  
patents aban-  
doned.

Rev. Stat., cc.  
28, 29.

5. All reservations of mines, ores and minerals contained in any patent issued prior to the 1st day of July, 1867, and all provisions except working conditions which reserve or limit the mineral rights conveyed by any patent or lease heretofore issued, excepting patents issued under *The Public Lands Act*, and *The Free Grants and Homesteads Act*, are hereby rescinded and made void, and all mines, ores and minerals base and precious, in or upon such lands described or defined in a patent, shall be deemed to have been granted in fee simple as part of such lands, and to have passed with the said lands to the subsequent and present owners thereof free from any such reservation. 63 V. c. 13, s. 3.

Sales, etc., for  
other purposes  
not affected.

6. Nothing herein contained shall interfere with or prevent the sale, lease or location, for agricultural or other purposes, of any lands situated within the boundaries of any Mining Division, which have been or may hereafter be opened for sale or as free grants under *The Public Lands Act* and *The Free Grants and Homesteads Act*, or any Act or Order in Council or Regulation respecting the sale and disposal of such lands.

#### REGULATIONS.

Lieutenant-  
Governor in  
Council may  
make regula-  
tions to carry  
out provisions  
of Act.

7.—(1) The Lieutenant-Governor in Council may from time to time make such orders as are deemed necessary to carry out the provisions of this Act or to meet cases which may arise and for which no provision is made in the Act, or when the provision which is made is deemed to be ambiguous or doubtful, and may further make and declare any regulations which are considered necessary to give the provisions in this section contained full effect, and from time to time alter or revoke any order or orders or regulations made in respect of the said provisions and make others in their stead and further impose penalties not exceeding \$200 or not exceeding three months' imprisonment for violation of any regulations under this Act, and further provided that any statement or returns required to be made by said regulations shall be verified on oath.

Regulations as  
to making  
roads, ditches,  
etc.

(2) The Lieutenant-Governor in Council may from time to time make such regulations as he deems necessary or expedient for the opening, construction, maintenance and using of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations; for the opening, construction, maintenance and using of ditches, aqueducts or raceways through, over or upon such claims, locations or lands for the conveying and passage of water for mining purposes. R.S.O. 1897, c. 36, s. 7.

(3)

(3) Any orders or regulations made by virtue of the provisions of this section shall have force and effect only after the same shall have been published in *The Ontario Gazette*, and such Orders or regulations shall, if made when the Legislative Assembly is sitting be laid upon the table of the House during the then Session, and if made at any other time shall be laid upon the table of the House within the first fifteen days of the Session next after the date thereof, and in case the Legislative Assembly at the said Session (or if the Session does not continue for three weeks after the said regulations are laid before the House, then at the ensuing Session of the Legislature) disapprove by resolution of such regulation or Order, either wholly or in part, the regulation or Order so far as disapproved, shall have no effect from the time such resolution is passed. R.S.O. 1897, c. 36, s. 8; 63 V., c. 13, s. 14.

Regulations to be published in *The Ontario Gazette* and laid before Assembly.

### MINING COMMISSIONER.

8.—(1) The Lieutenant-Governor in Council may, from time to time, appoint a Commissioner to be known by the official title of "Mining Commissioner," for the purpose of the Mining laws, that is to say, *The Mines Act*, and all other Acts, laws, and parts of Acts and laws in relation to the subject of Mining.

Government may appoint Mining Commissioner.

(2) The Mining Commissioner shall be deemed to be and shall be an officer of the High Court.

To be officer of High Court

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

To be a barrister of ten years' standing.

(4) He shall hold office by the same tenure as an officer under *The Judicature Act*.

Tenure of office.

(5) He shall not practise as a solicitor or barrister or act in any capacity as a legal agent or adviser in any matter arising under this Act.

Not to practise in mining matters.

(6) He shall be paid a salary of such amount as may be appropriated by the Legislature for that purpose to be paid monthly, and reasonable travelling expenses.

Salary.

### JURISDICTION OF THE MINING COMMISSIONER.

9. In relation to all unpatented mining lands or mining rights and interests therewith connected and all persons, mining partnerships and companies interested therein or connected therewith the Mining Commissioner shall have jurisdiction, power and authority under this Act as follows:

Powers of Commissioner as to unpatented lands.

(a) In respect to all applications, matters and proceedings which may come or be brought before him under the provisions of this Act, or any former Act relating to mines or mining, he shall have the powers of a Judge of the High Court of Justice, including the production of books and papers

Jurisdiction.

papers; the compelling witnesses to attend and give evidence before him; the amendment of all process, notices and proceedings; correcting errors and supplying omissions; the fixing the time and place of hearing; appointing a time for views and inspections which he may deem necessary; summoning to his aid engineers, surveyors or other experts and regulating and directing all matters incident to the hearing, trial and decision of the matters before him, so as to do complete justice between the parties, and may grant an injunction or mandamus in any matter before him under this Act.

Actions of trespass.

(b) In all actions of trespass on or in respect of unpatented mining claims and other unpatented mining property or upon or in respect of unpatented lands or waters entered or trespassed on, or claimed to have been entered or trespassed on, in searching for mining or working minerals, or for any other purpose directly connected with the business of mining, or in the exercise of any power or privilege given, or claimed to be given, by this Act or any other Act relating to mining.

Actions of ejectment.

(c) In all actions of ejectment from unpatented mining claims or other mining property, or from unpatented lands or waters entered, or claimed to have been entered upon, in searching for mining, or working minerals, or for any purposes directly connected with the business of mining, or entered, or claimed to have been entered, under some power, right or authority given or obtained under the provisions of this Act, or any other Act relating to mining.

Suits for specific performance, etc.

(d) In all suits for specific performance of, or for reforming, or delivering up, or cancelling any agreement for sale, purchase or lease of any unpatented mining claim, mine or other mining property.

Partnerships.

(e) In all suits for the dissolution or winding up of any mining partnership, whether recorded or not, interested in or connected with any unpatented mining land or mining rights and interests, under the provisions of this Act.

Injunction and mandamus.

(f) In all proceedings for orders in the nature of injunctions or mandamus where the same are or are deemed by him to be requisite for the granting of relief in any matter in which jurisdiction is given to the Mining Commissioner by this Act.

Proceedings to be styled as being under Act.

10. The words "*Pursuant to The Mines Act, 1906,*" shall be written or printed on all summonses, complaints and other process, and all other documents, in every matter, cause and application taken or brought before the Mining Commissioner.

Proceedings to be promptly gone on with.

11. The hearing of any summons, complaint, cause, matter or other process or application before the Mining Commissioner shall not be deferred beyond the shortest reasonable time necessary in the interests of all parties.



parties concerned, and it shall be lawful in the discretion of the Mining Commissioner to make summonses or other proceedings returnable forthwith or at any other time.

12. In all mining causes, matters and appeals the Mining Commissioner may decide the question at issue upon the ground in dispute and such decision shall be entered as in ordinary cases and have the same virtue and effect as if rendered at a formal hearing. Deciding questions on the ground.

13. When the Mining Commissioner proceeds partly on view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to allow a Divisional Court to form a judgment of the weight which should be given thereto; and he shall state as part of his reasons the effect given by him to such statement. When Commissioner proceeds on view.

14. In any mining cause, matter or appeal the Mining Commissioner may, before delivering judgment, direct all or any issues of fact to be found by a jury empanelled in accordance with the provisions of *The Jurors' Act*. Jury.

15. In all applications, matters, causes, appeals and proceedings before the Mining Commissioner he may award such costs to either or any party and order and direct that costs be taxed by an officer of the District, County or High Court, and the costs so awarded shall be recoverable as may be ordered by the Mining Commissioner. Costs.

16. The Mining Commissioner in mining causes, matters and proceedings may direct the issuing of writs and special orders for the arrest and detention of judgment debtors in all cases in which by law he has jurisdiction over the subject matter of the suit, but under and subject to such conditions as the Court or a Judge might usually require in applications of a similar nature in the High Court. Writs of arrest, etc.

17. Any person wilfully acting in contravention of this Act, or refusing to obey any lawful order or award of the Mining Commissioner shall, on conviction thereof in a summary way before any two Justices of the Peace or a Stipendiary Magistrate or before any Judge of a High or County Court, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment with or without hard labour for any terms not exceeding three months. Fine for disobedience to order of Commissioner.

18. The Mining Commissioner shall have the powers of and may act as an official referee under *The Judicature Act* and *The Arbitration Act*. Powers as official referee.

19. All interlocutory applications for any of the purposes mentioned in this Act shall be made to the Mining Commissioner, and his order thereon shall be final and conclusive. Interlocutory applications.

Reference of  
actions for  
damages to  
Commissioner.

20. Where an action for damages is brought in any Court in Ontario and in the opinion of the Court in which the action is brought or of a Judge thereof, the proper proceeding is under this Act, or the action may be more conveniently tried before and disposed of by the Mining Commissioner, the Court or Judge may, on the application of either party or otherwise and at any stage of the action make an order transferring or referring it to the Mining Commissioner and on such terms as the Court or Judge deems just, and the Mining Commissioner shall thereafter give directions for the continuance of the action before him and, subject to the order of transfer or reference, all costs shall be in his discretion.

Pleadings--  
production of  
documents, etc.

21. The Mining Commissioner at any time after a proceeding is brought or taken before him or an appeal or reference is made to him as herebefore provided, may give directions for the filing or serving of objections and defences to such appeal or reference, and for the production of documents and otherwise, and may give an appointment to either or any party to the proceeding, appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but the hearing shall be in the county or district, or one of the counties or districts in which the subject matter of the proceeding appeal or reference is situate.

#### SITTINGS OF MINING COMMISSIONER.

Clerk of  
County or Dis-  
trict Court to  
attend sittings  
etc.

22. The Clerk of the County or District Court in the County or District where any proceeding under this Act is originated shall attend all sittings of the Mining Commissioner in the County or District for which such Clerk has been appointed, and in connection therewith shall be subject to the orders of the Mining Commissioner and under the direction of the Mining Commissioner, and shall take charge of and file all documents and exhibits and shall be entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the County Court; which fees shall be paid in money and not by stamps. The Mining Commissioner shall fix the place of trial for any cause coming before him at such place as to him may seem most convenient for the parties to the dispute.

Absence of  
Clerk of Coun-  
ty Court--  
appointment of  
deputy.

23. In the absence of the Clerk of the County Court the Mining Commissioner may appoint his own clerk or some other person to act as Deputy Clerk of the County Court for the purpose of the proceeding and for taking charge of and filing all exhibits, and the person so appointed shall while so acting have the same power and be entitled to the same fees as the Clerk of the county Court would have and be entitled to if personally present.

Powers of  
Commissioner

24. When an appointment is given by the Mining Commissioner for the hearing of any matter of reference under

3a s.

this

this Act in any City, Town or place where a Court House is situated, he shall have in all respects the same authority as a Judge of the High Court in regard to the use of the Court House, or other place or apartments set apart in the county or district for the administration of justice.

25. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Mining Commissioner in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Mining Commissioner, be paid by the county or counties, district or districts, interested, like fees as for similar services at the sittings of the High Court for the trial of causes.

Sheriffs, etc., to assist and obey Commissioner.

26. Subpœnas for the attendance of witnesses at the hearing, tested in the name of the Mining Commissioner may be issued by the Clerk of Records and Writs or by the Clerk of any County or District Court in Ontario.

Subpœnas.

27. The fees and conduct money to be paid to a witness subpœnaed under this Act shall be according to the scale for the time being in force in County Courts.

Witness fees.

28. A shorthand writer may from time to time be appointed by the Lieutenant-Governor in Council to report hearings or trials before the Mining Commissioner, and every such officer shall be deemed to be an officer of the High Court, and shall be paid in the same manner as shorthand writers in the High Court are paid, and the several sections of *The Judicature Act* respecting shorthand writers shall apply to any shorthand writer appointed under this Act.

Shorthand writer.

#### DECISIONS OF MINING COMMISSIONER.

29. The decision or report of the Mining Commissioner shall not be given out until stamped with the necessary

Decisions not to be given out until stamped.

30. The decision or report of the Mining Commissioner on any appeal, reference or proceeding under this Act, or on a reference under *The Arbitration Act*, or in any action or proceeding transferred or referred to him under this Act, shall be binding and conclusive upon all parties thereto, unless appealed from to a Divisional Court within fifteen days after the filing thereof, or within such further time as the Mining Commissioner or a Divisional Court or a Judge thereof may allow, save as otherwise provided by this Act in any case where it is declared that the decision of the Mining Commissioner shall be final. The decision or report may be appealed against to a Divisional Court in the same manner as from a decision of a Judge of the High Court sitting in Court.

Appeal to Divisional Court.

Filing report of  
Commissioner,  
—Notice of  
filing.

**31.** The decision or report of the Mining Commissioner with the evidence, exhibits, the statement (if any) of inspection or of technical knowledge and the reason for his decision shall be filed in the office of the Clerk of the County or District Court where the proceeding in question was originated unless otherwise ordered by the Mining Commissioner, in which case the same shall be filed as and where ordered by the Mining Commissioner, and notice of the filing shall forthwith be given by the Clerk or other officer with whom same is filed by post or otherwise, to the solicitors of the parties appearing by solicitor, and to other parties not represented by a solicitor.

Record of deci-  
sions—notice  
to licensee.

**32.** The Mining Commissioner shall enter in the books of his office a record of each decision made by him under authority of this Act in regard to a mining claim and, likewise, notify the licensee holder, for the time being, of such mining claim by registered letter addressed post paid to such licensee to his address appearing of record in the books of the Mining Commissioner.

Certificate of  
decision as to  
mining claim.

**33.** A licensee holder, for the time being, of a mining claim shall be entitled to receive from the Mining Commissioner a certificate of any decision by the Mining Commissioner authorized by this Act relative to such mining claim, which certificate shall contain the date of the record in the books of the Mining Commissioner of such decision.

Form of deci-  
sion,—entry of  
judgment  
thereon.

**34.** The decision of the Mining Commissioner in all cases shall be in the form of an award or order for judgment and may be delivered as decisions by the Judges of the Supreme Court of Judicature are, and need not be in the form of a report; and unless appealed from to a Divisional Court as herein provided, judgment may be entered in the office wherein the proceeding is then pending without any further or other application or order. The Mining Commissioner by order may change the venue in any proceeding before him as he may deem desirable.

Change of  
venue.

#### PROCEDURE AND COSTS.

Application of  
rules and  
practice of  
High Court.

**35.** Except as in this Act otherwise provided, and subject to the provisions thereof, the rules and practice for the time being of the High Court of Justice shall, subject to the decision of the Mining Commissioner, be followed so far as the same are applicable.

Evidence need  
not be filed or  
notes extended  
unless re-  
quired.

**36.** In cases brought before the Mining Commissioner in pursuance of the powers conferred by this Act, or by any other Act, the evidence taken before him need not be filed, and need only be written out at length by the shorthand writer, if required by the Mining Commissioner or by any parties to the proceeding; and if required by any of the parties



parties to the reference, copies shall be furnished upon such terms as may be fixed by the Lieutenant-Governor in Council.

37. Fees shall be paid in stamps or otherwise in the same manner as in the case of other proceedings in the High Court until other provision is made in that behalf by the Lieutenant-Governor in Council.

Fees to be paid in stamps.

38. To provide a fund for or towards the payment of the Mining Commissioner's salary and other expenses, there shall be further payable a sum which shall be determined by the Mining Commissioner and mentioned in his decision or report or in a subsequent report, not to exceed the rate of twenty-five dollars a day for every full day a trial or proceeding occupies, and which shall be paid by one or other of the parties, or distributed between or among the parties as the Mining Commissioner directs; the said sum to be paid to the Clerk for the uses of the Province and to be accounted for by him.

Fees payable for each day of trial.

39. The Judges of the Supreme Court of Judicature for Ontario, with the Mining Commissioner, as a Board, shall have the like authority to make general rules with respect to proceedings before the Mining Commissioner and appeals from him as the Judges have with respect to proceedings in said Court under *The Judicature Act*; and sections 122 to 125 of *The Judicature Act* shall, with the necessary amendments, apply thereto.

Supreme Court judges may make rules.

40.—(1) Subject to any such general rules the Mining Commissioner shall have power, with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and also to frame tariffs of fees in cases not governed by the High Court tariff of costs.

Powers of Commissioner as to rules and tariffs of costs.

(2) Such rules and tariffs, whether made by the Board or the Mining Commissioner, shall be published in the *Ontario Gazette* and shall thereupon have the force of law; and the same shall be laid before the Legislative Assembly at its next session after promulgation thereof.

41. Until other provisions are made under the last two preceding sections the tariff of the County Court in all causes and matters wherein the amount in question therein is of the value of less than \$400. and of the High Court in all causes and matter wherein the amount in question is, or in the opinion of the Mining Commissioner may be, of the value of \$400 or over, shall be the tariff of costs and of fees and disbursements for solicitors and officers under this Act, and the Mining Commissioner shall have the powers of a County Judge and of a Taxing Officer of the High Court with

Scale of costs until other provision made.

with respect to counsel fees, and may also allow further counsel fees in case of a trial occupying more days than one.

*Ex-officio Jus-  
tices of the  
Peace.*

42. The Mining Commissioner and every Inspector, and in and for the Mining Division in which a Mining Recorder is appointed such Mining Recorder, shall be *ex-officio* a Justice of the Peace of the county or united counties, district or districts which a Mining Division comprehends or includes, in whole or in part, or in which or in any portion of which a Mining Division lies; and it shall not be necessary that he shall reside therein or possess any property qualification whatever in order to enable him lawfully to act as such Justice of the Peace. R.S.O., 1897, c. 36, s. 23.

#### APPEALS FROM MINING COMMISSIONER TO DIVISIONAL COURT.

*Appeal from  
Commissioner  
to Divisional  
Court.*

43. Where not herein otherwise provided, there shall be an appeal to a Divisional Court from every decision of the Mining Commissioner.

### BUREAU OF MINES AND OFFICERS.

#### DEPUTY MINISTER.

*Bureau of  
Mines.—  
Deputy  
Minister.*

44. The Bureau of Mines established in connection with the Department, to aid in promoting the mining interests of the Province, shall be continued, and the officer appointed by the Lieutenant-Governor in Council as provided in *The Public Lands Act*, and known as the Deputy Minister of Mines, shall have charge thereof under the direction of the Minister unless and until otherwise ordered, and shall be paid such salary as shall be voted by the Legislature. R.S.O. 1897, c. 36, s. 14.

*Power of  
Deputy  
Minister.*

45. The Deputy Minister shall have all the powers, rights and authority throughout the Province which an Inspector or Mining Recorder has or may exercise in any Mining Division, and such other powers, rights and authority for the carrying into effect of the provisions of this Act as have been or shall be assigned to him by regulation. R.S.O. 1897, c. 36, s. 15.

*Word "Bureau"  
not to be used  
by mining  
concerns.*

46. No person, firm, syndicate or company conducting a mining business of any sort or kind in the Province shall use the term "Bureau" to describe the name or title under which such business is carried on; and every person contravening this provision shall, for every day upon which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs, and in default

*Penalty.*

of

of payment of the fine and costs such person, any member of such firm or syndicate, or any officer of such company, may be imprisoned for a period not exceeding one month. 62 V. (2), c. 10, s. 2.

#### PROVINCIAL GEOLOGIST.

47. The Lieutenant-Governor in Council may appoint an officer to be known by the official title of "Provincial Geologist," who shall be an officer of the Bureau of Mines, and shall perform such duties as may be assigned to him by this Act or any regulation and who shall be *ex-officio* an Inspector. Appointment and duties of Geologist.

#### PROVINCIAL ASSAYER.

48. The Lieutenant-Governor in Council may appoint an officer to be known by the official title of "Provincial Assayer," who shall be an officer of the Bureau of Mines, and shall perform such duties as may be assigned to him by this Act, or any regulation. Appointment and duties of Assayer.

#### INSPECTORS.

49. The Lieutenant-Governor may appoint for the Province or any part thereof an Inspector or Inspectors who shall be officers of the Bureau of Mines, and who shall perform such duties as may be assigned to them by this Act or any regulation. R.S.O. 1897, c. 36, s. 16 (1). *Amended*. Appointment and duties of Inspectors.

#### POWERS AND DUTIES OF INSPECTOR.

50. An Inspector under this Act shall have power to do all or any of the following things, namely: Powers of Inspectors.

(1) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters either above or below ground are complied with in the case of any mine. Inquiries as to compliance with Act.

(2) To enter, inspect and examine any mine and every portion thereof at all reasonable times by day or night, but so as not to impede or obstruct the working of the mine. Inspection.

(3) To examine into and make inquiry respecting the state and condition of any mine, or any portion thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective, and to require the same to be remedied. Examination as to matters affecting health and safety of employees.

remedied within the period of time named in such notice, and unless the cause of danger is removed or such defect is remedied within the time named the owner or agent shall be guilty of an offence against this Act.

Stopping work  
when mine  
unsafe.

(4) To order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary.

General powers  
for protection  
of miners.

(5) To exercise such other powers as may be necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works. 60 V., c. 8, s. 27.

Annual report.

(6) Every Inspector under this Act shall make an annual report of his proceedings during the preceding year to the Deputy Minister of Mines, which report shall be laid before the Legislative Assembly. s. 29.

#### MINING RECORDERS; THEIR DUTIES AND POWERS.

Mining  
Recorder.

51. The Lieutenant-Governor may, from time to time, for each Mining Division, appoint a local officer to be known as a "Mining Recorder," who shall be an officer of the Bureau of Mines, to receive and record applications for mining lands in the respective Divisions, and to carry out the provisions of this Act as prescribed. R.S.O. 1897, c. 36, ss. 16 (1), 17.

Powers of  
Recorder.

52. Every Mining Recorder shall, as to the Mining Division for which he is appointed, and the Mining Commissioner, shall have power to settle summarily all disputes between licensees as to the existence or forfeiture of mining claims, and the extent and boundaries thereof, and as to the use of water and access thereto, and generally to settle all difficulties, matters or questions between licensees which may arise under this Act; and the decision of such Mining Recorder in all cases under this Act shall be final, except as to decisions pronounced after the passing of this Act where an appeal is made therefrom to the Mining Commissioner within fifteen days from the date of such decision, and no case under this Act shall be removed into any court by *certiorari*. 63 V., c. 13, s. 18.

Constables may  
be appointed  
by Recorder.

53. Every Mining Recorder appointed in and for a Mining Division under this Act may appoint any number of constables not exceeding four; and the persons so from time to time appointed shall be and are hereby constituted respectively constables and peace officers for the purposes of this Act, for and during the terms and within the Mining Divisions for which they are respectively appointed. R.S.O. 1897, c. 36, s. 25.



54. Constables and peace officers appointed by a Mining Recorder under authority of this Act shall be paid such reasonable fees and expenses as may be contracted for by the Mining Recorder, but such fees shall not exceed two dollars per day for the time certified by such Mining Recorder.

Fees of constables

55. Every Mining Recorder shall keep all necessary books for the recording of mining claims and other entries therein as may be prescribed by the Minister, and the record of any mining claim in a book in the Mining Recorder's office shall be open to inspection by any person on payment of a fee of 10 cents for each claim examined. He shall also keep displayed in his office a map or maps showing the territory included in the Division, and shall mark thereon all the claims as they are taken up and recorded, and also all areas applied for under the provisions of this Act relating to working permits, and also all such areas, specially distinguished, in respect of which a working permit has been issued, and there shall be no charge for examining the same. R.S.O. 1897, c. 36, s. 51 (1).

Books and maps to be kept by Recorder.

56. Every document filed in the Mining Recorder's office shall, during office hours, be open to inspection by any one on payment of the proper fee as set forth in the schedule hereto.

Right to inspect documents.

R.S. B.C., c. 18, s. 97.

57. Every copy of or extract of any entry in any of the said books, or of any documents filed in the Mining Recorder's office, certified to be a true copy or extract by the Mining Recorder, shall be received in any court as evidence of the matters therein contained.

Evidence of records.

R.S. B.C., c. 18, 98.

58. The Mining Recorder shall forthwith enter in the proper book in his office the particulars of every application for a claim presented by a licensee, and shall file the application, sketch or plan and affidavit with the records of his office, and if within sixty days of the date of the recording of a mining claim staked out after the passage of this Act, no dispute as to the rights of a licensee to the claim by reason of prior discovery or otherwise, has been lodged with the Mining Recorder, he may grant to the licensee a certificate of such record. Such certificate may be according to the form No. 1 set forth in the schedule hereto. R.S.O. 1897, s. 36, s. 51 (1), *part*.

Particulars of claims to be entered.

Certificate of record.

59. Every licensee by or on whose behalf an application is made to record the staking out of a mining claim, a special mining claim or a working permit, shall, at the time of such application produce the miner's license of such licensee to the Mining Recorder to whom such application is made, and such Mining Recorder shall endorse and sign

Applicant for record of claim to produce license, and record to be endorsed thereon.

upon the back thereof a note in writing of each and every such record made to such licensee, and no such record shall be complete or effective unless and until such endorsement is made and signed on such miner's license.

Adjudication  
of recorder as  
to compliance  
with Act.

60. Any question or dispute as to non-compliance with the provisions of this Act regarding a mining claim, prior to the issue of a certificate of record of staking out, shall be adjudicated on by the Mining Recorder of the Mining Division within which the mining claim in question is situated, subject to appeal therefrom to the Mining Commissioner, as in this Act provided.

Mining  
recorder to  
decide as to  
work done on  
claim.

61. The Mining Recorder is hereby authorized to decide upon the sufficiency or insufficiency of the work herein required to be performed by the licensee holder for the time being of a mining claim, and if any such licensee be not satisfied with the decision of the Mining Recorder he may appeal from the decision of such Mining Recorder to the Mining Commissioner.

Record of  
decisions,—  
notice to  
licensee.

62. The Mining Recorder shall enter in the books of his office a record of each decision made by him under authority of this Act in regard to a mining claim, and likewise notify the licensee holder of such mining claim for the time being by registered letter addressed post paid to such licensee to his address appearing of record in the books of such Mining Recorder.

Licensee holder  
of claim may  
procure copy  
of report of  
inspection.

63. The licensee holder, for the time being, of a mining claim shall be entitled to receive from the Mining Recorder a certified copy of any report of inspection made under the authority of this Act and recorded in the books of such Mining Recorder.

Certificate of  
decision of  
Recorder.

64. The licensee holder, for the time being, of a mining claim shall be entitled to receive from a Mining Recorder a certificate of any decision of the Mining Recorder authorized by this Act relative to such mining claim, which certificate shall contain the date of the record in the books of the office of such Mining Recorder of such decision.

Recorder to  
have power to  
take evidence  
on oath.  
Subpœnas.

65.—(1) The Mining Recorder shall have power to take evidence upon oath in any matter or dispute concerning a mining claim, working permit or prospecting permit situate within the Mining Division for which he is appointed, and subpœnas for the attendance of witnesses at any investigation or hearing authorized to be conducted by a Mining Recorder hereunder, tested in the name of the Mining Commissioner, may be issued by the Clerk of Records and Writs, or by the Clerk of any County or District Court in Ontario, on the written requisition of the Mining Recorder requiring same.

(2) The fees and conduct money to be paid to a witness subpoenaed under this Act shall be according to the scale for the time being in force in County Courts. Witness fees.

(3) The Mining Recorder in deciding any dispute before him where the attendance of witnesses appears to him to be necessary, may decide as to which of the parties interested shall pay the witness fees and conduct money of such witnesses, and such decision shall be binding upon the parties unless reversed by the Mining Commissioner in cases where an appeal is provided for. Recorder to decide who shall pay witnesses.

66. Where, for the time being, there is no Mining Recorder for a Mining Division, the duties of the Mining Recorder shall devolve upon the Bureau of Mines, under the direction of the Deputy Minister, and it shall at all time be lawful for the Deputy Minister to perform the duties of a Mining Recorder, and the Deputy Minister shall have all the powers of a Mining Recorder. Vacancy in office of Recorder. R.S.B.C., c. 18, s. 104.

#### INSPECTION OF CLAIMS.

67. The discovery of valuable mineral, the staking out (including blazing or otherwise marking the lines of a mining claim, and the line from the discovery post to No. 1 post), and the performance of work as herein required, shall be subject to inspection by the Mining Recorder of the Mining Division within which the mining claim in question is situated, or by an Inspector appointed under this Act, or by any other officer appointed for that purpose by the Minister, at any time prior to the issue of the certificate of record of the staking out thereof by and when and as ordered by any of them, and thereafter only by and when and as ordered by the Mining Commissioner. Inspection to verify discovery and compliance with Act.

68. Notice of the time of making any inspection authorized by this Act shall be given by the Mining Commissioner, or the Mining Recorder or any officer intending to make such inspection to the licensee holder, for the time being, of such mining claim, addressed by registered letter post paid to the address of such licensee appearing for the time being of record in the books of the Mining Recorder aforesaid. Notice of inspection to be given licensee holder.

69. The said notice shall be given not less than seven clear days prior to the time so fixed for such inspection unless a shorter time be agreed to by or on behalf of the licensee. Provided that such notice may be given to such licensee holder personally as well as by registered letter. How notice to be given.

70. The report of each inspection authorized by this Act shall be made in writing by the officer making the inspection. Record of report of inspection.

spection, and be by him delivered to the Mining Recorder of the Mining Division within which such mining claim is situated, and shall be recorded at length by such Mining Recorder in the books of his office.

Effect of issue and delivery of certificate of record.

71. The issue and delivery of a certificate of record of any mining claim shall, in the absence of fraud on the part of the licensee, be final and conclusive evidence of the performance of all requirements of this Act, except working conditions, in respect to such mining claim up to that time, and such mining claim shall not, in the absence of fraud on the part of the licensee, thereafter be subject to forfeiture, except for breach or non-compliance with the provisions of this Act in respect to work required by this Act to be thereafter performed on such mining claim.

Extension of time for compliance with working conditions in case of death or incapacity.

72. In case of death or incapacity from illness of the licensee of a mining claim, special mining claim or working permit within the period during which working conditions are by this Act required to be performed, a Mining Recorder may, from time to time, extend the time for the performance of such working conditions for such period as he may deem reasonable, and the said Mining Recorder shall forthwith record in the proper book in his office the particulars of any and every extension made or granted by him under authority of this section. R.S.O. 1897, c. 36, s. 2 (2).

Bureau of Mines and Deputy Minister to act until Recorder appointed.

73. In case no person has been appointed Mining Recorder of any Mining Division, all applications shall be made to, and all the duties herein provided to be performed by the Mining Recorder of such Mining Division shall be performed by the Bureau of Mines, under the direction of the Deputy Minister.

#### APPEALS FROM RECORDER TO MINING COMMISSIONER.

Appeals to Mining Commissioner.

74. Where not herein otherwise provided, there shall be an appeal to the Mining Commissioner from every decision of a Mining Recorder.

Time for appealing.

75. No appeal authorized by this Act from the decision of a Mining Recorder to the Mining Commissioner shall be allowed after the expiration of fifteen days from the record of such decision by a Mining Recorder in the books of his office, unless within that time the time for appeal is extended by the Mining Commissioner, and thereafter not after the time limited by the Mining Commissioner therefor. Notice of appeal shall be given by filing a copy thereof in the office of the Mining Recorder and serving a copy thereof upon all parties adversely interested therein.

Notice of appeal.

OTHER



## OTHER OFFICERS.

76.—(1) The Lieutenant-Governor may, from time to time, <sup>General power as to appointment of other officers.</sup> appoint such other officers and agents as may be necessary under the provisions of this Act, and such officers and agents shall perform such duties as may be prescribed. R.S.O. 1897, c. 36, s. 17, *part*.

(2) Notwithstanding anything in *The Public Service Act* <sup>Employment of professors, etc., in educational institutions to investigate mineral resources.</sup> the Minister may employ any professor, instructor, or other person engaged in any educational or other institution for the purpose of investigating the mineral resources of the Province or for any work in connection with or arising under this Act, and may pay him for such services at such rate as may be agreed upon, out of any moneys appropriated for such investigation or work by this Legislature.

77. No officer appointed under this Act shall directly or indirectly, by himself or by any partner or other person, purchase or become interested in any Crown lands or mining claims, and any such purchase or interest shall be void. <sup>Officers not to be interested in Crown lands or mining claims.</sup> A violation of this section shall cause the forfeiture of the office of any such officer, and he shall, in addition thereto, be liable to a penalty of \$500 for every such offence. <sup>Penalty.</sup> Such penalty may be recovered in an action by any person who sues for same. R.S.O. 1897, c. 36, s. 18.

78. No officer appointed under this Act shall be compellable in any Court to disclose information acquired by him in his official position. <sup>Office s not compellable to disclose information.</sup>

## MINING DIVISIONS.

79. For the purposes of this Act the Province shall be divided by Order-in-Council into Mining Divisions with limits which may from time to time be extended, added to or diminished, and from and after the publication in *The Ontario Gazette* of an Order-in-Council declaring a tract of country to be a Mining Division, the Mining Division therein mentioned and described, except as otherwise herein provided, and all mines and mining lands therein shall be subject to the provisions of this Act and to the regulations made thereunder. R.S.O. 1897, c. 36, s. 44. <sup>Mining Divisions,—Province to be divided into.</sup>

80. Upon the establishment of a Mining Division and the opening of a Mining Recorder's office therein, such office, except as otherwise provided, and none other, shall be the proper office for recording all claims, records, certificates, documents, or other instruments affecting unpatented claims or mining property applied for after this Act comes into operation, and any thing by this Act required to be done at the office of the Mining Recorder shall, if the same affects or concerns any claim, mine, or mining property to which this section applies situated within a Mining Division, be done at or in the office of the Mining Recorder of the Mining Division wherein such claim, mine or other mining property is situated. <sup>Recorder's office to be proper place for recording claims and documents.</sup>

Provided

After issue of  
patent or lease.

Provided that as to all mining claims or mining property which have heretofore been patented or leased, or in respect of which a patent is hereafter issued, the proper office for recording all claims, records, certificates, documents or other instruments shall be the Registry Office for the Registration Division or the Land Titles Office for the Land Titles Division, as the case may be, within which such mining claims or mining property are situated.

Mistake as to  
office of record.

R.S.B.C.,  
c. 18, s. 22.

81. If, through ignorance, a licensee shall record a mining claim in a Mining Division other than that in which such claim is situate, such error shall not affect his title to such claim, but he shall, within fifteen days from the discovery of such error, record such claim in the Mining Division in which it is situate, and such new record shall bear the date of the former record, and a note shall be made thereon of the error and of the date of the rectification of the same.

Minister to  
furnish Re-  
corder with  
list of lands  
patented or  
leased.

82. On the passage of this Act the Minister shall furnish to each Mining Recorder a list of all mining lands or mining rights, as the case may be, in respect of which patents or leases have been issued by the Crown within the territory embraced in such Mining Division, and the same shall be filed for reference in the office of such Mining Recorder.

#### SPECIAL MINING DIVISIONS.

Special Mining  
Divisions,—  
special claims.

83. Where a locality is reported or shown to be specially rich in ores or minerals, the Lieutenant-Governor by Order-in-Council may proclaim the locality therein defined or described to be a Special Mining Division, and thereafter all the provisions of this Act applicable to mining claims in Mining Divisions shall be applicable to mining claims to be known as "special mining claims," in such special Mining Division, but the area of special mining claims shall not, except as hereafter provided, exceed twenty acres in extent.

#### LICENSES AND LICENSE HOLDERS.

License  
required.

84. No person, registered partnership or company shall carry on in Ontario the business of mining or be entitled to explore for mines and minerals in Ontario without first taking out and thereafter continuing in force a miner's license, under the provisions of this Act. 63 V., c. 13, s. 4, 11.

Issue of  
license.

85. On payment of the proper fee, according to the schedule of fees herein set forth, the Minister, Deputy Minister or any Mining Recorder may issue to any person over, but not under, 18 years of age, registered partnership or company

company incorporated or licensed under the laws of Ontario applying therefor, a license to be called a "Miner's License," which shall be dated on the date of issue thereof, and expire at midnight on the 31st day of March next after the said date. Such license shall not be trans-  
Term of license.

86. All miners' licenses and prospectors' licenses hereto-  
Licenses here-  
tofore issued.  
 fore issued and unexpired shall remain in force until the date of expiry therein referred to, and shall have the same force and effect as miners' licenses issued under this Act, but mining claims staked out by a licensee there-  
 under after this Act comes into operation shall be subject in all respects to the provisions of this Act.

87. A licensee under 21 years of age shall, as regards his  
Licenses under twenty-  
one,—property  
and liabilities  
of.  
 or her mining property and liabilities contracted in con-  
 nection with any mining claim or mining property, be deemed to be and be treated as of full age.

88. Every license shall be effectual throughout the Pro-  
Licenses to be  
good through-  
out Province—  
Form of.  
 vince, and shall be signed and issued by the Minister, the Deputy Minister or by any Recorder, and shall be accord-  
 ing to form No. 2 in the appendix hereto. 63 V., c. 13, s.  
 5, *part.*

89. The individual members of a registered partnership  
License may be  
issued to part-  
nership or  
company.  
 or shareholders in an incorporated company need not be  
 holders of a miner's license in order to qualify to be mem-  
 bers of such partnership or shareholders of such company,  
 but the holding of a miner's license by the partnership or  
 company shall not entitle any individual partner, share-  
 holder, officer or employee thereof to the rights or privi-  
 leges of a licensee.

90. Every miner's license shall be numbered, and in  
Numbering  
and lettering of  
licenses.  
 addition, shall, in conjunction with the number, be let-  
 tered with a letter or letters of the alphabet which is or  
 have been prescribed by the Minister to indicate a Mining  
 Division in which same was issued.

91. Upon payment of the fee set forth in the schedule  
Renewals.  
 hereto, and upon the production of the then existing  
 license, a licensee, whose license is in force, shall, upon  
 application therefor, before the expiration of the license,  
 or within ten days thereof, be entitled to a renewal of such  
 license. R.S.O. 1897, c. 36, s. 45 (2).

92. A renewal of a miner's license may be in the form  
Fee on  
renewal.  
 (No. 3) set forth in the appendix hereto, and the fee for  
 the renewal of a miner's license shall be as set forth in the  
 schedule of fees hereto.

Accidental  
destruction or  
loss of license.

R.S.B.C.,  
c. 18, s. 7.

93. If any miner's license be accidentally destroyed or lost, the owner thereof may, on payment of the fee set out in Schedule to this Act, have a true copy of it, signed by the Mining Recorder out of whose office the original was issued. Every such copy shall be marked "substituted license," and unless some material irregularity be shown in respect thereof, every original or substituted miner's license shall be evidence of all matters therein contained.

Not more than  
one license to  
be issued.

94. Except as hereinbefore provided, no person, registered partnership, or mining company shall apply for or hold more than one miner's license in any one year or between the 1st of April in one year and 31st March in the next year. Any breach of this section shall be an offence against this Act.

Clerks or em-  
ployees not to  
require license.

95. Nothing herein contained shall be deemed to provide that a clerk or employee, of a licensee, shall require to be possessed of a miner's license in order to perform clerical, manual or other services of like nature for a licensee, not including carrying on the business of mining or exploring for mines and minerals.

License to be  
produced and  
proof of valid-  
ity furnished.

96. Every licensee shall produce and exhibit his license to the Inspector or Mining Recorder of the Division, and prove to the satisfaction of the person so demanding production that it is in force, if further required by him so to do. R.S.O. 1897, c. 36, s. 54.

License to date  
from applica-  
tion therefor.

97. Any person, registered partnership or mining company qualified to be an applicant for a miner's license applying at the Mining Recorder's office during his absence, and leaving the fee required by this Act with the officer or other person in charge of the said office, shall be entitled to have such license from the date of such application.

R.S.B.C. c. 18,  
s. 6.

#### CROWN LANDS.

Withdrawal of  
lands and min-  
ing rights from  
exploration  
and sale.

98. The Lieutenant-Governor in Council may, at any time, and from time to time, by Order-in-Council, withdraw any lands or mining rights the property of the Crown from exploration, location and sale, and set the same apart pending the exploration thereof for the prospecting of veins, lodes or other deposits of ores or minerals therein by the use of a diamond drill, or otherwise, under direction of the Minister, and any lands or mining rights heretofore withdrawn by Order-in-Council shall remain withdrawn until restored to exploration, location or sale, as provided in section 99 hereof. R.S.O. 1897, c. 36, s. 33.

Re-opening  
lands for ex-  
ploration after  
withdrawal.

99. The Lieutenant-Governor in Council may re-open for exploration, location or sale as mining lands any Crown lands which may at any time have been withdrawn from  
exploration



exploration or sale, either upon the terms and conditions contained in this Act, or upon such other terms and conditions as may be provided or authorized in that behalf by the Legislature.

**100.** The Crown lands described as all that tract of land or territory formerly known as the Lumsden and Booth timber limit now known as Gillies Brothers' timber limit, lying on both sides of the Montreal River in the District of Nipissing, containing one hundred square miles more or less, which, by Order-in-Council, were heretofore withdrawn from exploration for mines or minerals, and from sale, lease or location, when re-opened for exploration, location and sale may, or any part or parts thereof specially defined may, be re-opened on such terms and conditions and at such price per acre or otherwise as may be fixed by Order-in-Council, and said Crown lands or any part or parts thereof shall, notwithstanding any other provision in this Act contained, be subject to such terms and conditions and such price as is provided by the Order-in-Council re-opening the same. R.S.O. 1897, c. 36, s. 9.

Lands on Montreal River, heretofore withdrawn.

Provided that the Lieutenant-Governor in Council may provide that the mines and minerals in said lands or any part thereof may be worked by or on behalf of the Crown under and pursuant to regulations which may be made by the Lieutenant-Governor in Council, and in such case the said mines and minerals may be worked by or on behalf of the Crown as therein provided.

Proviso.

**101.** Crown lands which have been withdrawn by Order-in-Council from exploration or sale under authority of this Act shall, until re-opened by Order-in-Council for exploration or sale, remain withdrawn therefrom, and shall not be explored, occupied or worked except as provided by the preceding section.

Lands withdrawn not to be explored, or worked.

**102.** Except as in this Act provided, no person, registered partnership or company shall explore, occupy or work any Crown lands for mines or minerals.

Crown lands not to be explored, etc., except under Act.

**103.** Any person exploring, occupying or working any Crown lands for mines or minerals otherwise than in accordance with the provisions of this Act, or attempting to do so, shall incur a penalty of \$20 and costs, and, in default of payment of the fine and costs, such person may be imprisoned for any period not exceeding one month. R.S.O. 1897, c. 36, s. 9.

Penalty for exploring without authority.

**104.** No person, registered partnership or company, not the holder of a miner's license, shall use or occupy any of the lands in a Crown Forest Reserve, or prospect for minerals or conduct mining operations therein, and no licensee shall use or occupy any of the lands in a Crown Forest Re-

Protection of Forest Reserves.

serve or prospect for minerals or conduct mining operations therein, except in accordance with regulations made under *The Forest Reserves Act* and amendments thereto, and all regulations heretofore made thereunder are hereby continued in force until otherwise provided by the Lieutenant-Governor in Council. 61 V., c. 10; 63 V., c. 12; 5 Edw. VII., c. 9, s. 1.

Lease of lands in forest reserve for mining purposes.

**105.** Any lease of lands in a Forest Reserve, permitting mining operations therein, may be for such periods and on such terms as may be provided by regulations made by the Lieutenant-Governor in Council, but the lease of such lands shall be for a period not longer than ten years with the right to be renewed for ten-year periods. 62 Vic. (2), c. 10, s. 8; 5 Edw. VII., c. 9, s. 3.

Application of working conditions of ordinary mining claims to leases in forest reserves.

**106.** Any regulations to be made under authority of this Act applicable to Crown Forest Reserves shall provide that the working conditions applicable to an ordinary mining claim in a Mining Division, shall be applicable to a mining claim in a Forest Reserve, and that upon performance of the said working conditions a lease thereof according to the terms hereof, but not a patent, may be granted therefor.

#### MINING CLAIMS.

What lands may be staked out and sold.

**107.** Crown lands containing valuable ores or minerals, and mining rights in lands, the ores and minerals whereof have been reserved by the Crown in the location, sale, patent or lease of such lands, may be staked out and sold as mining lands, to be called "mining claims," as herein provided. R.S.O. 1897, c. 36, s. 10 (1), *part*.

Claims in unsurveyed territory.

**108.** Each mining claim, special mining claim, and area of mining land included in a working permit in the unsurveyed territory shall be laid out with boundary lines running north and south and east and west astronomically, and the measurements thereof shall be horizontal, and in a township surveyed into lots shall be such part of one of such lots as herein defined, and the ground included therein shall be deemed to be bounded under the surface by lines vertical to the horizon. R.S.O. 1897, c. 36, s. 50 (2).

Claims not to be staked out in town sites or in railway lands.

**109.** No mining claim shall be staked out or recorded on any land included in or reserved or set apart as a town site whether the same shall have been subdivided into town lots or not, or upon any station grounds, switching grounds, yard or right of way of any railway, or upon any colonization or other road or road allowance, except by order of the Minister. Provided that all mines and minerals of every nature and kind in any lands which have been or may hereafter be transferred by any Order-in-Council under

Proviso.

authority

authority of Chapter seven of the Acts of the Legislature passed in the fourth year of the reign of His Majesty shall, unless expressly reserved therein, be deemed to have been and in the case of an Order-in-Council hereafter made, unless therein otherwise expressly stated, shall be deemed to be included as part of the said lands, and the said mines and minerals and the said lands are hereby declared to be exempt from the provisions of this section.

110. A mining claim in unsurveyed territory shall not exceed a square of twenty chains or 1,320 feet, containing forty acres, but an irregular portion of land lying between two or more claims may be staked out with boundaries co-terminous thereto, provided that its area shall not exceed forty acres.

Area of mining claims in unsurveyed territory.

111. In any township surveyed into sections of 640 acres or thereabouts where the sections have been subdivided into quarter sections, or subdivisions containing 160 acres or thereabouts, a mining claim shall consist of the northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter of any such quarter section or subdivision, containing forty acres, or thereabouts.

In townships surveyed into sections of 640 acres.

112. In any township surveyed into lots of 320 acres or thereabouts, a mining claim shall consist of one or other of the following subdivisions of the lot, namely, the northwest quarter of the north half, the northeast quarter of the north half, the southwest quarter of the north half, the southeast quarter of the north half, the northwest quarter of the south half, the northeast quarter of the south half, the southwest quarter of the south half, or the southeast quarter of the south half, containing forty acres, or thereabouts.

Townships surveyed into lots of 320 acres.

113. In any township surveyed into lots with single fronts, containing 200 acres or thereabouts, or in any township surveyed into sections of 1,200 acres or 2,400 acres where the lots contain 200 acres or thereabouts, or in any township surveyed into lots with double fronts, containing 200 acres or thereabouts, a mining claim shall consist of the northeast quarter, the southwest quarter, the northwest quarter, or the southeast quarter of the lot, containing fifty acres or thereabouts.

Townships surveyed into lots of 200 acres.

114. In any township surveyed into lots of 100 acres or thereabouts, a mining claim shall consist of the north half, the south half, the east half, or the west half of the lot, containing fifty acres or thereabouts.

Townships surveyed into 100 acre lots.

115. Where mining locations the property of the Crown in unsurveyed territory have been surveyed in conformity with the provisions of any Act of the Legislature into blocks

Mining locations heretofore surveyed in unsurveyed territory.

blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a mining claim staked out thereon shall be 20 chains in length by 20 chains in width, and one claim shall comprise the whole of a location 20 chains square. A location 40 chains in length by 20 chains in width may be divided into two mining claims by a line drawn through the centre thereof parallel to one of the shorter boundaries. In the case of a location 40 chains square a claim shall consist of one or other of the following subdivisions: the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter. In a location 80 chains in length by 40 chains in width where the length of the location is north and south, a claim shall consist of the northeast quarter of the north half, the northwest quarter of the north half, the southeast quarter of the north half, or the southwest quarter of the north half; the northeast quarter of the south half, the northwest quarter of the south half, the southeast quarter of the south half, or the southwest quarter of the south half. Where the length of the location is east and west a claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, or the southwest quarter of the east half; the northeast quarter of the west half, the northwest quarter of the west half, the southeast quarter of the west half, or the southwest quarter of the west half, containing forty acres or thereabouts.

Irregular lots  
in surveyed  
townships.

**116.** In the case of surveyed townships containing lots irregular in shape or size, fronting upon a lake, river or road, a mining claim shall consist of 40 acres, or thereabouts, with a uniform depth and width of 20 chains, and one or more of its boundaries shall coincide with one or more of the boundaries of the lot of which it forms a part.

Discovery of  
valuable  
mineral neces-  
sary to valid  
claim.

**117.** No licensee shall be deemed to have acquired any right or claim under this Act or any regulations thereunder to a mining claim unless a discovery of valuable mineral has been made thereon by or on behalf of such licensee.

Transfers not  
to be enforce-  
able unless  
in writing and  
recorded.

**118.** No transfer of an unpatented mining claim staked out after this Act comes into operation or of any interest therein shall be enforceable unless the same shall be in writing, signed by the transferor, or his agent authorized in that behalf, and recorded by the Mining Recorder. Such transfer may be in the form No. 4 in the appendix hereto. Where a transfer is signed by an agent the auth-

orit,



ority of such agent shall be recorded prior to such transfer being recorded. (*New.*)

### SURFACE RIGHTS.

119. Where the surface rights in any lands have been granted, sold, leased or located and a mining claim shall be staked out for any portion of the said lands, the licensee so staking out shall compensate the owner, lessee or locatee of the said surface rights for injury or damages which are or may be caused to the surface rights, and in case the licensee and such owner, lessee or locatee are unable to agree upon the amount of compensation therefor or the manner in which same shall be paid or secured, application by any party interested may be made to the Mining Commissioner to ascertain, determine and prescribe the amount of such compensation and the manner and time in which the same shall be paid or secured, and the same shall thereupon be ascertained, determined and prescribed by the Mining Commissioner, or as he may direct, and when so ascertained, determined or prescribed shall be final and binding upon all parties interested. R.S.O. 1897, c. 36, s. 42 (1).

Compensation to owner of surface rights.

120. The Mining Recorder shall have power to reduce the extent of any mining claim or special mining claim staked out where the surface rights have been granted, sold, leased or located, if in his opinion an area less than forty acres or twenty acres, as the case may be, is sufficient for working the ores, minerals and mining rights therein contained, and his decision in such case shall be final.

Reduction in area of claim where surface rights have been sold.

121. No person shall have the right of entry as prospector or explorer upon the surface rights of that portion of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such entry are growing, or on which is situated any spring, artificial reservoir, dam or water-works, or any dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee or locatee, or the person in whom the legal estate therein is vested, or by order of the Mining Commissioner. R.S.O. 1897, c. 36, s. 43.

Right of entry of prospectors limited.

122. The Mining Recorder shall not grant a certificate of record of the staking out of a mining claim as provided in section 58, on any lands the surface rights of which have been granted, sold, leased or located, unless and until compensation for injury or damage to the surface rights has been paid or secured, as provided by section 119 hereof.

Compensation to be paid before claim recorded.

Special

## SPECIAL MINING CLAIMS.

Area of special claims in townships surveyed into sections of 640 acres.

123. In any township surveyed into sections of 640 acres, or thereabouts, where the sections have been subdivided into quarter sections or subdivisions containing 160 acres or thereabouts a special mining claim shall consist of either of the west half or the east half of any of the following, that is to say: The northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of any quarter section or subdivision, and shall contain twenty acres, or thereabouts.

In townships surveyed into lots of 320 acres.

124. In any township surveyed into lots of 320 acres or thereabouts, a special mining claim shall consist of one or other of the following subdivisions of the lot, namely, the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivisions of the southeast quarter, the southwest quarter, or the northwest quarter of the said lot, containing twenty acres, or thereabouts.

In townships surveyed into lots of 200 acres.

125. In any township surveyed into lots with single fronts containing 200 acres or thereabouts, or in any township surveyed into sections of 1,200 acres or 2,400 acres where the lots contain 200 acres or thereabouts, or in any township surveyed into lots with double fronts containing 200 acres or thereabouts, a special mining claim shall, where the side lines of the lots run northerly and southerly, consist of one or other of the following subdivisions of the lot, namely, the northeast quarter of the north half, the southeast quarter of the north half, the northwest quarter of the north half, the southwest quarter of the north half, the northeast quarter of the south half, the northwest quarter of the south half, the southwest quarter of the south half, or the southeast quarter of the south half, containing twenty-five acres or thereabouts; and where the side lines of the lots run easterly and westerly, a special mining claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, the southwest quarter of the east half, the northeast quarter of the west half, the northwest quarter of the west half, the southeast quarter of the west half, or the southwest quarter of the west half, containing twenty acres or thereabouts.

In townships surveyed with lots of 100 acres.

126. In any township surveyed into lots of 100 acres or thereabouts, a special mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of the lot, containing twenty-five acres or thereabouts.

127. A special mining claim in unsurveyed territory shall be rectangular in form, and shall be laid out with boundary lines running north and south and east and west astronomically, and shall have a length from north to south not exceeding twenty chains, or 1,320 feet, and a width from east to west of ten chains or 660 feet, containing twenty acres, or thereabouts.

In unsurveyed territory.

128. Where mining locations the property of the Crown in unsurveyed territory have heretofore been surveyed in conformity with the provisions of any Act of the Legislature into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a special mining claim staked out thereon shall consist of the east half or the west half of a location 20 chains square, containing 20 acres or thereabouts; or the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of a location 40 chains in length by 20 chains in width, containing 20 acres or thereabouts; or the west half or the east half of any of the following subdivisions of a location 40 chains square, namely, the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter, containing 20 acres or thereabouts; or of the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivision of the southeast quarter, the southwest quarter, or the northwest quarter of a location 80 chains in length by 40 chains in width, containing 20 acres more or less, or where the length of such location is east and west, a special mining claim shall consist of the east half or west half of the northeast quarter of the east half, the east half or west half of the southeast quarter of the east half, the east half or west half of the northwest quarter of the east half, or the east half or west half of the southwest quarter of the east half, or of a corresponding subdivision of the west half of the said location, containing 20 acres or thereabouts.

Mining locations heretofore surveyed in unsurveyed territory.

129. All the provisions of this Act applicable to mining claims shall be deemed to be applicable also to special mining claims, except where otherwise expressly stated, and also where a particular provision or part thereof is manifestly inapplicable.

Application of general provisions to special claims.

#### MINING CLAIMS ON LANDS UNDER TIMBER LICENSE.

130. Except as is herein otherwise provided, it shall be lawful for the holder of a miner's license to prospect for minerals on any Crown lands under timber license, except where

Licensee may prospect on lands under timber license.

where such lands have been withdrawn from exploration, location or sale by any Act of the Legislature or Order-in-Council, subject to the following conditions:

Timber licensee to be notified of application to record claim.

(1) In the event of the discovery of valuable mineral on any Crown lands under license for pine timber, or for pine and other timber, the mining licensee may stake out a mining claim thereon and apply to have the said mining claim recorded in the office of the Mining Recorder of the Mining Division wherein the same is situated, and it shall be the duty of the Mining Recorder within three days of the application for record of the staking out of the mining claim thereon, to notify the Minister thereof, and the Minister shall thereupon notify the timber licensee thereof.

Operations to be suspended until Minister decides whether mining may be carried on on limit.

(2) The provisions of this Act in reference to mining operations on a mining claim so staked out upon Crown lands included in a timber license shall be suspended until it has been decided by the Minister whether mining operations or the performance of working conditions shall be permitted to be carried on on such mining claim, and the date on which the working conditions shall become operative and obligatory shall be the date fixed by the Minister on which the same shall be begun, of which date due notification shall be given to the Recorder and mining licensee.

Minister may permit operations, subject to conditions.

(3) It shall be lawful for the Minister to permit mining operations upon such mining claim to be carried on, subject to such restrictions and limitations as in his judgment may be necessary to protect the interest of the Crown and other parties interested therein, and the Lieutenant-Governor in Council may, from time to time, and subject to the provisions of subsection 3 of section 7 hereof, make regulations regarding the carrying on of mining operations on mining claims on Crown lands for the time being under timber license.

Regulations to provide for payment of value of pine timber cut.

(4) Any regulations made under authority of this section shall provide for the payment to the timber licensee of the value of any pine timber cut or damaged upon such mining claim, and any dispute between the mining licensee and the timber licensee in respect of the quantity or value thereof, or otherwise, shall be disposed of by the Minister, whose decision in regard thereto shall be final.

#### STAKING OUT AND HOLDING MINING CLAIMS.

Where licensee may prospect for minerals.

131. Any person, registered partnership, or mining company at the time duly holding a miner's license, may, except as herein provided, and subject thereto, prospect for mines or minerals:

(a) on any Crown lands surveyed or unsurveyed;



(b) on any lands the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands; provided that same are not, for the time being, staked out and occupied as a mining claim, or a special mining claim, or are under working permit, or are withdrawn by any Act of the Legislature or Order-in-Council, from exploration, location or sale.

132. A licensee who discovers valuable mineral in place or a bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel, or upon whose behalf valuable mineral in place or bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel has been discovered by a licensee shall have the right to stake out thereon a mining claim, providing that it is on Crown lands not withdrawn from location or exploration, and is not included in a claim staked out by another licensee, or on lands the mines, minerals and mining rights whereof have been reserved by the Crown, and he shall have the right to work the same and transfer the interest therein of a licensee to another licensee, and in case the surface rights have been granted, leased or located by the Crown the licensee must proceed as provided in section 119 of this Act. R.S.O. 1897, c. 36, s. 47.

Where licensee may stake out claim.

Nothing herein contained shall be deemed to authorize any person not a licensee to prospect or stake out a mining claim, a special mining claim, or an area of mining land for a working permit or prospecting permit on behalf of any registered partnership or mining company.

Persons not licensees.

133. A mining claim may be staked out by planting a discovery post of wood or iron (on which is written or placed the name of the licensee making the discovery, the number of the license and the date of his discovery, and, if the discovery is made on behalf of another licensee, then also the name of such other licensee and the number of his license), upon an out-cropping or showing of ore or mineral in place or upon the surface over some part of a bed or deposit of gold- or platinum-bearing sand, earth, clay or gravel within the boundaries of a claim, and by planting at each of the four corners of the claim a post of wood or iron in the order following, viz.: No. 1 at the northeast corner, No. 2 at the southeast corner, No. 3 at the southwest corner, and No. 4 at the northwest corner, the number in each case to be on the side of the post towards the post which follows it in the order in which they are named. The like particulars as are herein required to be written or placed on the discovery post shall also be written or placed on No. 1 post, and if the claim is situate in a township surveyed into lots, there shall, in addition, be plainly written

Mode of staking out.

or

or placed on No. 1 post the subdivision or part of the lot comprised, or intended to be comprised, in the claim. See R.S.O. 1897, c. 36, s. 48 (1).

## I.

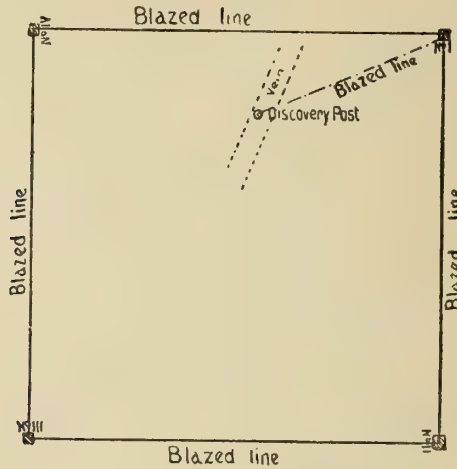


Fig No 1.

Staking out claim where it is impracticable to mark all four corners.

134. If one or more corners of a claim fall in any situation where the nature or conformation of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a witness post, which, in that case, shall contain the same marks as those prescribed herein for corner posts, together with the letters "W.P.," and an indication of the bearing and distance of the site of the true corner from such witness post. See R.S.O. 1897, c. 36, s. 48 *part*.

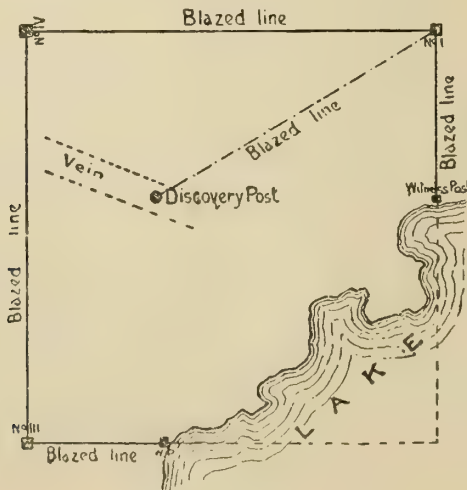


Fig No 2.

**135.** Where there are standing trees upon a mining claim so staked out the licensee shall blaze the trees, on two sides only, and cut the underbrush along the boundary lines of the claim, and also blaze a line from No. 1 post to discovery post, and shall mark plainly on No. 1 post the distance to the discovery post, and also the subdivision of the lot covered by the claim where the same is in surveyed territory. 61 V. c. 11, s. 4.

Blazing line from No. 1 to discovery post, and clearing boundaries.

**136.** Where there are no standing trees the licensee shall clearly indicate the outlines of a claim, and also a line from No. 1 post to discovery post by planting durable pickets (not less than five feet in height) thereon (at intervals of not more than two chains) or by erecting thereon (at intervals of not more than two chains), monuments of earth and rock not less than two feet in diameter at the base, and at least two feet high, so that the lines may be distinctly seen.

Planting pickets where impossible to blaze line.

**137.** Substantial compliance as nearly as circumstances will reasonably permit with the provisions of this Act regarding the staking out of mining claims shall satisfy the requirements of this Act.

Substantial compliance with regulations.

**138.** An irregular portion of land lying between two or more claims may be staked out with outlines coterminous thereto, provided that the area thereof shall not exceed forty acres, or thereabouts.

Irregular portions of land between two or more claims.

**139.** No more than three claims may be staked out and recorded by or for any licensee in any Mining Division during the period covered by a license year.

Licensee not to stake out more than three claims in one license year.

**140.** The application of a licensee for a record of the staking out of a mining claim shall not be deemed to confer any right whatsoever upon the licensee until such time as the staking out of the said mining claim shall have been recorded with the Mining Recorder, and a certificate of such record issued and delivered by the Mining Recorder to the licensee or some person on behalf of the licensee.

No rights conferred until claim recorded and certificate issued.

#### WORKING PERMIT.

**141.** A licensee desiring to obtain the exclusive possession of an area of mining land at the time open for exploration and sale, whether Crown lands or lands the mines, minerals or mining rights of which have been reserved to the Crown in the location, sale, lease or patent thereof, for the purpose of prospecting the same with a view to discovering valuable mineral thereon, may (except as to land which at the time this Act comes into operation,

Obtaining exclusive right of exploration.

or

or within one month thereafter, is being prospected or worked, as in the proviso hereto hereinafter contained) do so by proceeding in the following manner:

Staking out  
boundaries.

1. By staking and marking out the boundaries thereof by planting at each of the four corners thereof a post of wood or iron in the order following, viz.: No. 1 post at the northeast corner, No. 2 post at the southeast corner, No. 3 post at the southwest corner, and No. 4 post at the northwest corner, the number in each case to be on that side of the post towards the post which follows it in the order in which they are named.

"Witness post."

2. If one or more corners of the claim fall in any situation where the nature or conformation of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a "witness post," which in that case shall contain the same marks as those described herein for corner posts, together with the letters "W. P." and an indication of the bearing and distance of the site of the true corner from such witness post.

Marking posts

3. At the time of the planting of the said posts the licensee, by whom the area is so staked, shall plainly write or place on No. 1 post the name of such licensee, and in case such staking out is on behalf of some other licensee then also the name of the licensee on whose behalf the staking out is done, together with the number of the license of such licensees, respectively, and the date of the planting of such posts.

Blazing trees  
and clearing  
boundary lines.

4. Where there are standing trees upon the area so staked out the licensee shall blaze the trees (upon two sides only) and cut the underbrush along the boundary lines of the area.

Planting pick-  
ets where there  
are no trees.

5. Where there are no standing trees the licensee shall mark the outlines of the area, and also a line from No. 1 post to No. 2 post, by planting durable pickets (not less than five feet in height) thereon (at intervals of not more than four chains) or by erecting thereon (at intervals of not more than four chains) monuments of earth or rock not less than two feet in diameter at the base and at least two feet high so that the line may be distinctly seen.

Marking and  
notching No. 1  
post.

6. Upon No. 1 post there shall be written the words "Working permit applied for," and said No. 1 post shall be further indicated by notching the same with three rings of notches not less than a quarter of an inch deep and not less than two inches apart, beginning at a distance of not less than two nor more than three inches from the top of the post.

Trenching

7. The situation of the No. 1 post shall be further indicated by trenching to a depth of not less than six inches  
for



for a distance of not less than six feet along the course of the boundary line between No. 1 post and No. 2 post, and by trenching to a depth of not less than six inches for a distance of not less than six feet along the course of the boundary line between No. 1 post and No. 4 post.

8. If the area is situated in surveyed territory the licensee shall also indicate on No. 1 post the portion of the township lot upon which the area is situated in accordance with the provisions of section 133 of this Act. Where area is in surveyed territory.

9. The area to be included in a working permit situated in a Mining Division shall not, except where herein otherwise provided, exceed 40 acres in extent, or, where situated in a special Mining Division, 20 acres in extent. Limit of acreage to be included in working permit.

10. By furnishing to the proper Mining Recorder an application in writing (in duplicate) therefor, accompanied by a map or plan (in duplicate) thereof, indicating generally and as definitely as possible the location of the said area by reference to some ascertained boundary or locality. Licensee to file map or plan.

11. By furnishing to the proper Mining Recorder under oath, within fifteen days thereafter, satisfactory proof of the planting of the said posts and their distances from each other in feet, together with an application in writing, which may be according to the form No. 5 in the schedule hereto, accompanied by proof, under oath, of the name of the licensee interested and the number of his license, the name of the licensee by whom the area was staked out, and the number of his license, the locality of the area as indicated by some general description or statement, and such other information as will enable the Mining Recorder to lay down the area on his office maps, the time when the said posts were planted, and the area staked out, and evidence, on oath, that the land at the time of its being staked out was not in occupation or possession of, or being prospected for minerals by any other licensee, and that the deponent has no knowledge and had never heard of any adverse claim by reason of prior discovery or otherwise. The affidavit under this section mentioned may be according, to the form No. 6 in the appendix hereto. Compliance with conditions to be verified by oath.

In case the area is situated more than ten miles in a straight line from the office of the Mining Recorder, an additional day shall be allowed for recording such staking out for each additional ten miles or fraction thereof. Additional time for recording.

12. By procuring from such Mining Recorder a certificate (which may be according to the form No. 7 in the appendix hereto) of the said application, and nailing or otherwise securely affixing the same to No. 1 post on the said area within three days after the granting of the said certificate, and if the area is more than ten miles in a straight line from the office of the Mining Recorder, one additional Certificate of application to be affixed to No. 1 post.

additional day shall be allowed for each additional ten miles or fraction thereof.

Procuring  
working  
permit.

13. By procuring from the said Mining Recorder, after sixty days from the staking out of the area and within seventy days therefrom, a working permit in the form No. 8 in the appendix hereto.

Provido as to  
work in  
progress.

Provided that if, when this Act comes into operation, or within one month thereafter, any person (who is, or within the said period of one month, becomes, a licensee) is then at work prospecting and working upon any such lands in drilling, trenching, digging or excavating the same, no other licensee who has not made a discovery of valuable mineral thereon, shall be entitled, during that time, to stake out any portion of such lands, if in unsurveyed territory, nearer than 10 chains to any such drill, trench or excavation, or apply for a working permit thereof, or if in surveyed territory, to stake out an area which would include any part of the lot sub-division, upon which such person or licensee is then engaged in drilling, trenching, digging or excavating.

Provido as to  
preference  
among differ-  
ent licensees.

Provided further, that if more than one such person or licensee is, at the time this Act comes into operation, at work prospecting or working as aforesaid, upon any such area, preference shall be given to such one applying for a working permit, within said period of thirty days, as first began and continuously remained, at such work, on the said area.

Where surface  
rights granted  
compensation  
to be made to  
owner.

142. Where the surface rights of any land have been patented, sold, leased or located, and the mines, minerals or mining rights thereof have been reserved to the Crown, no working permit shall be issued unless and until the applicant therefor has filed evidence to the satisfaction of the Mining Recorder, that he has arranged with the owner of the surface rights for compensation for injury or damage thereto, or failing such arrangement, that such compensation has been ascertained, and paid or secured, in manner provided in section 119 hereof.

Application of  
sections.

143. Sections 107 to 140 and section 161 of this Act, so modified as may be necessary, shall be applicable as far as circumstances will admit, to every application for a working permit.

Licensee not  
entitled to  
exclusive privi-  
leges before  
issue of permit.

144. The licensee applicant for a working permit shall not be entitled to any exclusive or other privileges with regard to the area applied for prior to the issuance to such licensee of the working permit referred to.

Application not  
to bind until  
working per-  
mit issued.

145. The area referred to in the application for a working permit, and every part thereof, may be prospected for minerals and if a discovery of valuable mineral is made thereon

thereon, may be staked out as a mining claim by any licensee at any time until a working permit has been granted by a Mining Recorder, and the applicant for the working permit shall be entitled to exclusive possession thereof only after the working permit shall have been issued, and notice thereof in such form as may be prescribed shall have been affixed by or on behalf of the applicant therefor to No. 1 post on said area.

146. It shall be the duty of every Mining Recorder to post up in his office notice of all applications for working permits in the form No. 9 in the appendix hereto. Notice of applications to be posted up.

#### WORKING CONDITIONS ON WORKING PERMIT

147.—(1) A licensee to whom a working permit of an area has been granted shall perform thereon work which shall consist of searching for minerals by sinking a shaft or shafts, pit or pits, by digging trenches, making cross-cuts, boring by diamond or other drills, or other *bona fide* operations of a like kind to the extent of not less than eight hours per day for five days in each week during the six months next following two weeks after the issuance of such working permit. Provided the licensee may at his option perform an equal amount of such work in a less period of time Working conditions. Proviso.

(2) The construction of houses, roads or other like improvements shall not constitute work within the meaning of this section. Houses, roads, etc., not to constitute "work."

148. The provisions of this Act relating to the forfeiture of a mining claim for default in performance of work thereon, shall as nearly as possible, according to the circumstances of the case, be applicable to the area defined in a working permit. Forfeiture for default.

149. In the event of any dispute arising as to whether a licensee holder of a working permit, has in fact complied with the provisions of this Act necessary to entitle such licensee to exclusive possession of said area, the Mining Recorder may notify the licensee holder of said working permit of such dispute, and fix a time which will admit of seven clear days' notice to such licensee of the hearing of said dispute proved to the satisfaction of the Mining Recorder, and shall then summarily decide said dispute at his office or such other place as he may fix for that purpose, and the decision of said dispute by a Mining Recorder shall be final and not subject to any appeal, and if the decision of the Mining Recorder is to the effect that the working permit has lapsed or become forfeited for failure to comply with any of the provisions of this Act, the said area shall forthwith thereupon become open for application Disputes as to compliance with working conditions.

tion by any licensee for a working permit, or for staking out as a Mining claim, as the case may be, in the same way as if no application therefor had previously been made or working permit thereof previously issued.

Proviso for service of notice upon holder of working permit.

Provided that service of notice upon the licensee holder of the working permit may be effectually made by serving same upon him personally wherever he may be, or if he is not upon or in the neighborhood of the area defined in the working permit, then by serving the same upon any grown-up person in the employ of such licensee upon or in the neighborhood of said area, or if there is no such person then by affixing the notice to No. 1 post on said area. The notice herein referred to may be in the form (No. 10) in the schedule hereto.

Rights of holder of working permit on complying with conditions.

**150.** Subject to the performance by the licensee holder of a working permit of all the provisions of this Act relating to a working permit, the said licensee shall be entitled for the period of six months next after the date of the issuance of such working permit, less the interval of time elapsing between such issuance and the posting of notice thereof on No. 1 post of such area, and the renewal thereof (if any), to exclusive possession of the area defined in said working permit, and said area shall not during that time be open to be staked out by any other licensee for any purpose whatever.

Assignment of working permit.

**151.** The licensee holder of a working permit may, subject to the consent of the Mining Recorder endorsed thereon, transfer by assignment in the form (No. 11) in the appendix hereto, all his rights in the said area and working permit, and upon said transfer being recorded in the office of the Mining Recorder aforesaid, the licensee to whom the same is transferred shall thereupon be entitled to the unexpired term of the working permit together with any right of renewal thereof hereby authorized.

Renewal

**152.** It shall be lawful for a Mining Recorder to grant to a licensee holder for the time being of a working permit, one renewal thereof for a period of six months subject to the performance of work of the like nature as is hereinbefore specified. Such renewal may be according to form No. 12 in the appendix hereto.

Limit of number of working permits to be held in any year.

**153.** No licensee shall be entitled to apply for or hold more than three working permits for any one Mining Division in any year between the first day of April and the thirty-first day of March next thereafter.

Computing time within which work to be done.

**154.** In computing the time in which work is required to be performed by this Act upon the area included in a working permit, the period of time extending from the fifteenth



fifteenth day of November in one year to the fifteenth day of April in the succeeding year, shall be deemed to be excluded, as shall also the time or times so stated by any Order-in-Council or regulations made under or by authority of this Act, but no application for a working permit shall be receivable by any Mining Recorder during the said period or periods.

#### WATER POWERS ON MINING CLAIMS.

155. A valuable water power lying within the limits of a claim shall not be deemed to be part of the claim for the uses of the licensee. A road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the Mining Recorder of the Division in which same is situated may be necessary for the development and utilization of such water power. A water power under this section referred to shall be deemed to be a valuable water power, if the same at low water mark, in its natural condition, is capable of producing 150 horse power or upwards. R.S.O. 1897, c. 36, s. 50 (3).

Valuable water powers not included in claim.

#### RECORDING MINING CLAIMS.

156. Every licensee who has staked out a mining claim, or upon whose behalf a mining claim has been staked out, shall, within fifteen days thereof, except as by the next section provided, furnish under oath to the Mining Recorder of the Division wherein same is situated an outline sketch or plan thereof showing the discovery post and corner posts, and the witness posts (if any) and their distance from each other in feet, together with an application therefor in writing setting forth, under oath, the name of the licensee interested and the number of his license, the name (if any) of the claim, and its locality as indicated by some general description or statement, and such other information as will enable the Mining Recorder to lay down the claim on his office maps, or, if in a surveyed township, shall indicate the portion of the lot of which it forms a part, the length of the outlines, if for any reason they are not regular, and the nature of such reason, the situation of the discovery post as indicated by distance and direction from No. 1 post, the time when discovery of valuable mineral in place or a bed or deposit of gold or platinum-bearing sand, earth, clay or gravel was made and when the claim was staked out, and the date of the said application. The application in this section referred to may be according to form No. 13 in the appendix hereto, and the fee payable on filing the same with the Mining Recorder shall be as provided in the schedule hereto.

Filing plan and application for claim.

Provided that if a licensee claims to be entitled to a free grant of a mining claim or special mining claim under section

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tion 170, he shall, in addition to the application to record the staking out thereof, make application for said free grant, which may be according to form No. 15 in the appendix hereto. R.S.O. 1897, c. 36, s. 51 (1), *part*.

Affidavit shew-  
ing discovery  
of valuable  
mineral.

157. The licensee in the preceding section named shall accompany the said sketch or plan and notes with the affidavit of the discovering licensee, showing the discovery of valuable mineral (which shall be specified), bed or deposit of gold or platinum-bearing sand, earth, clay or gravel upon the claim by such licensee on his own behalf or on behalf of another licensee, and that the deponent has no knowledge, and has never heard of any adverse claim by reason of prior discovery or otherwise. The affidavit shall also state the locality of the claim as indicated by some general description or statement, and may be according to the form No. 14 in the appendix hereto.

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Provided that an applicant for a free grant of a mining claim or special mining claim under section 170 shall file an affidavit proving his right thereto, which affidavit may be according to form No. 16 in the appendix hereto.

Additional  
time for record-  
ing claim.

158. In case the claim is situated more than ten miles in a straight line from the office of the Mining Recorder, an additional one day shall be allowed for recording for each additional ten miles or fraction thereof.

Mining  
Recorder not to  
record any  
claim  
"in trust."

159. There shall not be entered on the record or be receivable by any Mining Recorder any notice of any trust, express, implied or constructive, relating to any unpatented mining claim, or special mining claim, or to any working permit or prospecting permit, or the areas therein described. Describing a licensee, owner or holder of a mining claim for the time being, as a trustee, whether the beneficiary or object of the trust is mentioned or not, shall not impose upon any person dealing with such owner or holder, the duty of making any enquiry as to the power of the owner or holder thereof for the time being, but such owner or holder may deal with the claim or working permit as if such description had not been inserted.

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Provided that nothing herein contained shall relieve the recorded holder or owner thereof who is in fact a trustee thereof or of any part or share thereof or therein, from liability at law as between himself or herself as the case may be, and any person, partnership or corporation for whom he or she is a trustee, but such liability as between said parties shall continue in the same way and to the same extent as if this section had not been enacted. R.S.O. 1897, c. 138, s. 103.

WORKING

## WORKING CONDITIONS ON MINING CLAIM.

160.—(1) A licensee who has staked out a mining claim under the provisions of this Act shall, during the three months immediately following the recording of the same in the office of the Mining Recorder, perform thereon work, which shall consist of stripping or in opening up mines, in sinking shafts or other actual mining operations, to the extent of not less than eight hours per day for thirty days.

Working conditions during first three months.

(2) The construction of houses, roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section.

Houses, roads, etc., not to constitute "work."

(3) A licensee who has staked out a mining claim under the provisions of this Act shall, during each of the three years following the expiration of three months from the record by or on behalf of such licensee of the staking thereof, perform thereon work, as in the first subsection hereof provided, as follows:

Working conditions for first and second years.

(a) During each of the first and second of such three years to the extent of not less than eight hours per day for sixty days.

(b) During the third of such three years' work thereon to the extent of not less than eight hours per day for ninety days.

Third year.

(4) The work herein required to be performed upon a mining claim may be performed by the original licensee or any other licensee who has derived title from or through such original or any subsequent licensee. Provided that the work herein required to be performed on a mining claim may be completed, at the option of the licensee thereof, in a less period of time than herein specified. Provided also that if more work is performed by or on behalf of a licensee on a mining claim than is herein required during the first three months or any subsequent year, such excess of work upon due proof of the same having been performed shall be credited by the Mining Recorder as against the work required to be performed during the next or any subsequent year. R.S.O. 1897, c. 36, s. 34 (1); 62 V. (2), c. 10, s. 7.

Work may be done by original licensee or assign.

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Proviso.

161. A licensee of a mining claim shall make a report in writing verified by oath to the Mining Recorder of the Mining Division in which such claim is situated of the performance of the mining operations herein required to be performed which report may be according to form No. 17 in the appendix hereto, and such report shall be completed and delivered as aforesaid within ten days after the time within which such mining operations are required to be performed. 62 Vic. (2), c. 10, s. 7.

Licensee to make report of work on oath.

Form of  
affidavit ver-  
ifying report.

**162.**—(1) The affidavit verifying the report of a licensee holder, for the time being, of a mining claim above referred to may be in the form No. 18 in the appendix hereto. 62 Vic. (2), c. 10, s. 7.

(2) The Mining Recorder if satisfied that the working conditions required to be performed have been duly performed may give a certificate according to form No. 32 in the appendix hereto.

If two or three  
claims conti-  
guous, work  
may be done  
upon one.

**163.** If two or three mining claims held by the same licensee are contiguous, the whole of the work herein required, applicable to the said two or three mining claims, may be performed by the licensee upon one of them, if the licensee has notified the Mining Recorder of the Mining Division within which such mining claims are situated of his intention to perform all the said work in the year or years specified, upon the one of the said mining claims so specified, which said notice may be in the form (No. 19) in the appendix hereto. Provided that in computing the amount of work performed, as herein required, upon any number of mining claims, not more than three contiguous to each other, the licensee shall be deemed to have complied with the provisions of this section if the total work performed by him upon the said group of mining claims amounts altogether to not less than the total amount of work which but for this proviso would have been required to be performed upon each of the said mining claims. R.S.O. 1897, c. 36, s. 32 (2).

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Period between  
15th November  
and 15th April  
to be exempt.

**164.** In computing the time within which work or mining operations are required to be performed by this Act the period of time extending from the 15th November in one year to the 15th April in the succeeding year shall be deemed to be excluded as shall also the time or times so stated by any Order-in-Council or regulations made under the authority of this Act. R.S.O. 1897, c. 36, s. 52 (3), 53.

#### ABANDONMENT.

Licensee may  
abandon  
mining claim  
or permit.

**165.** A licensee may, at any time, abandon a mining claim, working permit, or prospecting permit, by giving notice in writing to the Mining Recorder in the Mining Division in which such claim or area is situated of his intention so to do, which notice may be according to the form (No. 20) in the appendix hereto. Such notice shall be immediately recorded in a book in the Mining Recorder's office, and from the date of the record of such notice all interests of the licensee in such claim, working permit, or prospecting permit, as the case may be, shall cease and determine, and the same shall thereafter be the property of the Crown, free from all claims of every nature and kind. 61 V., c. 11, s. 8, *part*; 62 V. (2), c. 10, s. 13, *part*.



166. Non-compliance by or on behalf of the licensee of any provision of this Act relating to the staking out and recording of a mining claim, working permit or prospecting permit, including the blazing or otherwise marking all lines by the Act required, or of a direction of the Mining Recorder in regard thereto within the time limited by the Mining Recorder therefor, shall be deemed to be an abandonment. See R.S.O. 1897, c. 36, s. 51 (1), (2).

Non-compliance with Act or direction of Mining Recorder to be deemed abandonment.

### FORFEITURE.

167.—(1) In default of compliance with the working conditions herein required during the first three months or during any subsequent year of the said period of three years, and of the delivery of the report in section 161 referred to, within the time thereby limited, all rights of the licensee connected with any such mining claim shall, unless otherwise ordered by the Mining Commissioner, after appeal to him as herein provided, revert to and be vested in His Majesty, his successors and assigns for the public uses of the Province, freed and discharged of any interest or claim of the licensee and of every other person whatsoever, and the Mining Recorder shall make an entry to that effect on the page of the Record Book showing the claim. 60 V. c. 8, s. 9.

Forfeiture on failure to perform work.

(2) The decision of the Mining Commissioner in this section referred to shall be final.

Decision of Mining Commissioner to be final.

168. All the interest of a licensee in a mining claim, before the patent thereof has issued, shall cease and be deemed to be forfeited, and the mining claim in such case shall revert to the Crown free from all claims of every nature and kind thereto:

Causes of forfeiture of mining claim.

- (a) If the license of the licensee has expired, and not been duly renewed as herein provided.
- (b) If, without the consent in writing of the Mining Recorder or Mining Commissioner, any licensee, or any person on behalf of the licensee, removes a stake or post by the Act required to be placed on a mining claim, for the purpose of changing boundaries, or otherwise, after the plan thereof and notice in regard thereto have been filed with the Mining Recorder.
- (c) If the working conditions herein required to be performed are not duly performed.
- (d) If the report required by section 161 to be made by a licensee of the performance of mining operations is not made and deposited with the Mining Recorder as therein required. R.S.O. 1897, c. 36, s. 45.

- (e) If an application for patent required by section 169 to be made by a licensee for a mining claim be not made within the time required by this Act.
- (f) If the purchase price required by section 176 to be paid by the licensee for a patent for a mining claim is not paid as and when by the Act required. See 63 V., c. 13, s. 16. *Amended.*

#### APPLICATION FOR PATENT OF MINING CLAIM.

How licensee  
may obtain  
patent to claim.

**169.** Upon compliance by or on behalf of the licensee of the requirements of this Act and including the performance of the work hereby required, and upon payment by or on behalf of the licensee holder for the time being of any mining claim of the purchase price of the mining claim as provided in section 174 hereof the said licensee holder shall be entitled to a patent of such mining claim. A licensee entitled to a patent of a mining claim shall apply therefor within a period of three months, after the expiry of three years and three months from the date of recording the claim in the office of the Mining Recorder, and failure to apply therefor and pay the purchase price thereof within such period of three months shall be deemed to be a forfeiture of all the interests of such licensee in such mining claim, and such mining claim in such case shall revert to and be vested in His Majesty, his successors and assigns, for the public uses of the Province, freed and discharged of any interest or claim of any other person or persons whomsoever. The application for a patent shall be made to the Mining Recorder of the Mining Division within which such mining claim is situated, and may be according to form No. 21 in the appendix hereto.

Free grant to  
first discoverer.

**170.** A licensee who is the first discoverer of valuable metal, ore, or mineral at a point which is not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of metal, ore or mineral, and who complies with all the other provisions of this Act shall upon satisfactory proof of such facts be entitled to a patent thereof without payment of the purchase price, which, but for the provisions of this section would have been payable therefor. R.S.O. 1897, c. 36, s. 32; 62 V. (2), c. 10, s. 6.

Five per cent.  
of area to be  
reserved for  
roads.

**171.** In all patents for mining claims within the Districts of Algoma, Thunder Bay and Rainy River, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan there shall be a reservation for roads of five per centum of the quantity of land proposed to be granted and the Crown or its officers shall have the right to lay out roads where, and as deemed necessary. R.S.O. 1897, c. 36, s. 26, ss. 4.

172. Every patent of Crown lands or mining rights by which it is intended to vest in the grantee or patentee the mines and minerals therein or any part thereof or any rights in connection therewith, shall be stated to be made in pursuance of this Act. Patent to be stated in pursuance of Act.

173. Every patent of Crown lands which purports to be made in pursuance of this Act shall, unless otherwise expressly stated, vest in the grantee all the Crown title in such lands and all mines and minerals therein. Patent to convey all ground title.

174.—(1) The price per acre of all Crown lands to be sold as mining lands shall be: Price of mining lands.

(a) If in surveyed territory... \$3 00

(b) If in unsurveyed territory 2 50

The price per acre for a patent of mining rights shall be one-half the above rates. R. S. O., 1897, c. 36, s. 31. Mining rights.

(2) No lands shall be sold or patented for mining purposes in any Forest Reserve. 5 Edw. VII., c. 9, s. 1. No lands to be sold or patented in Forest Reserves.

#### RESERVATION OF TIMBER.

175.—(1) The patents for all Crown lands sold or granted as mining lands shall contain a reservation of all pine trees standing or being on the lands, which pine trees shall continue to be the property of His Majesty, and any person holding a license to cut timber or saw logs on such lands may, at all times during the continuance of the license, enter upon the lands and cut and remove such trees, and make all necessary roads for that purpose. R.S.O. 1897, c. 36, s. 39 (1). Pine trees reserved.

(2) The patentees, or those claiming under them (except patentees of mining rights) may cut and use such trees as may be necessary for the purpose of building, fencing and fuel on the land so patented, or for any other purpose essential to the working of the mines thereon, and may also cut and dispose of all trees required to be removed in actually clearing such part of the land as may be necessary to be used for mining purposes, but subject, as regards pine trees, to paying the value thereof, including timber dues, to the Crown or any licensee or other person licensed or authorized to cut such pine trees, as the case may be. If any dispute arises between the patentee or those claiming under him and the timber licensee with regard to the quantity or value of the pine timber so cut or disposed of, or otherwise regarding such timber, the same may be referred to the Minister, whose decision shall be final. Ibid (2). *Amended.* Patentees may use timber for building, fencing, etc., on the land.

## SURVEY OF MINING CLAIMS.

Mining claim  
in unsurveyed  
territory to be  
surveyed by  
O.L.S.

176. A mining claim in unsurveyed territory in order to be patented shall require to be surveyed by an Ontario Land Surveyor at the cost of the licensee applicant therefor, who shall furnish at the time of the application for a patent the surveyor's plan, in triplicate, field-notes and description of the location showing a survey in conformity with this Act and to the satisfaction of the Minister. R.S.O. 1897, c. 36, s. 27.

How survey of  
claim to be  
made.

177. The boundary lines of a mining claim in unsurveyed territory shall follow the courses of the lines of the claim as originally staked out on the ground, or as the lines may have subsequently been altered, changed or corrected by the Mining Recorder of the Mining Division in which such mining claim is situated, and whenever an Ontario Land Surveyor is employed to run the boundaries of any such claim he shall do so by running a straight line between Post No. 1 at the northeast angle of the claim and Post No. 2 at the southeast angle thereof, and a straight line between said Post No. 2 and Post No. 3 at the southwest angle thereof, and a straight line between said Post No. 3 and Post No. 4 at the northwest angle thereof, and a straight line between said Post No. 4 and Post No. 1 at the northeast angle thereof, and shall mark out said lines on the ground by blazing the adjacent trees distinctly on three sides, *i.e.*, one blaze on each side in the direction of the line and one on that side by which it passes, and shall give to each mining claim, so surveyed, a designating number or letter, which designating number or letter he shall mark on the posts at each of the four angles of the claim and shall connect such survey with some known point in a previous survey or with some other known point or boundary so that the claim may be laid down on the office maps of the territory in the Department.

Minister may  
require survey  
of claim in  
surveyed  
territory.

178. If, in the case of application for a patent of a mining claim in surveyed territory, the Minister should be of opinion that a survey of such mining claim is necessary, the Minister may so direct and a survey thereof, shall be made in compliance with such direction, at the expense of the applicant, and shall, unless otherwise ordered, comply with the same requirements as if in unsurveyed territory.

If area of  
claim exces-  
sive, Minister  
may reduce.

179. If, as the result of any survey required or authorized by this Act, the area of a mining claim or a special mining claim exceeds the acreage by this Act specified in reference thereto, it shall be lawful for the Minister to grant a patent for such portion of such mining claim as shall not exceed the acreage of such specified area. (*New.*)



180. Wherever practicable any reduction in the area of a mining claim, which, according to the survey thereof, exceeds, in the case of a mining claim, 40 acres, or in the case of a special mining claim, 20 acres shall be made by restricting the same as follows: In case of a mining claim by commencing at No. 1 post and proceeding along the line between the said post, and No. 2 post a distance of 20 chains, or to No. 2 post where the said distance does not exceed 20 chains, thence westerly and parallel to the line between No. 2 post and No. 3 post a distance of 20 chains, or to a point on the line between No. 3 post and No. 4 post where the said distance does not exceed 20 chains, thence northerly on a line parallel to the line between No. 3 post and No. 4 post a distance of 20 chains, or to a point on the line between No. 4 post and No. 1 post where the said distance does not exceed 20 chains; thence in a straight line to No. 1 post; and in the case of a special mining claim, by commencing at No. 1 post and proceeding along the line between No. 1 post and No. 2 post a distance of 20 chains, to No. 2 post where the said distance does not exceed 20 chains, thence westerly parallel to the line between No. 2 post and No. 3 post a distance of 10 chains or to a point on the line between No. 3 post and No. 4 post where the said distance does not exceed 10 chains, thence northerly parallel to the line between No. 3 post and No. 4 post a distance of 20 chains, or to a point on the line between No. 4 post and No. 1 post where the distance does not exceed 20 chains, thence in a straight line to No. 1 post.

#### PROSPECTING PERMITS.

181.—(1) Any licensee desirous of acquiring a permit to prospect for petroleum, natural gas, coal or salt, upon any Crown lands not withdrawn from exploration or sale or upon any lands, the mines, minerals or mining rights of which have been reserved to the Crown in the patent, sale, lease, or location, shall before going into occupation of such lands, stake out the same by planting a post at each corner thereof, and writing or marking on No. 1 post, at the northeast corner of the said area, the words "Prospecting Permit applied for," the name of the licensee staking out the said lands and the number of his license, also the name of the licensee in whose name or on whose behalf it is proposed to make application for such permit, the number of his license, the date on which the said lands are staked out, a statement of the area intended to be covered by the Permit; and shall within fifteen days thereafter make application in duplicate for the said Permit to the Mining Recorder of the Mining Division within which the lands are situate, which application may be according to Form No. 22 in the appendix hereto. One

Prospecting  
permit for  
petroleum,  
natural gas,  
coal and salt.

copy of such application shall at once be posted up in the Recorder's office, and one copy forwarded to the Minister. The application shall be verified by affidavit which may be according to Form No. 23 in the appendix hereto. If the area so staked out is more than ten miles from the office of the Mining Recorder, one day additional for every additional ten miles or fraction thereof shall be allowed for making said application.

Licensee to  
make appli-  
cation to  
Minister.

(2) After the expiry of thirty days from the making of such application to the Mining Recorder, and not later than ninety days thereafter, the licensee shall make application to the Minister for a Permit to prospect said lands for petroleum, natural gas, coal or salt, or any one or more of the said substances, and shall accompany his application with a plan or diagram showing as nearly as possible, the situation of the lands and shall give the best practicable written description of the same, and pay in a fee of \$100. If the lands are situate in surveyed territory, the applicant shall describe the lands by the numbers of the lots and concessions. Upon completion of the application, if no good reason appears to the contrary, the Minister may grant the Permit, which shall be called a "Prospecting Permit", and shall be for one year only. Such Permit may be according to Form No. 24 in the appendix hereto.

Form and  
extent of tract.

(3) Every tract of land for which a Prospecting Permit is applied, if in unsurveyed territory, shall be rectangular in form and shall not exceed six hundred and forty acres in extent, and the boundary lines thereof shall be due north and south and due east and west, astronomically. If in surveyed territory such tract may consist of any number of lots, not containing in all more than six hundred and forty acres, provided they are contiguous, and the whole tract need not be rectangular in form.

Working con-  
ditions.

(4) A Prospecting Permit shall require the holder thereof to enter upon the tract of land described therein within two months of the date thereof, and to expend thereon in actual boring, sinking, driving or otherwise searching for petroleum, natural gas, coal or salt, a sum not less than at the rate of two dollars per acre during the term of the permit, which expenditure shall not include any moneys laid out for houses, roads or other like improvements. Upon proof being filed with the Minister that the said expenditure has been made and all other terms and conditions of the permit duly complied with, the Minister may at the expiry thereof, grant a renewal of the same on payment of a fee of one hundred dollars, subject to like conditions as to expenditure in actual boring or other-  
wise

Fee.

wise searching for the substances aforesaid, or any one or more of them. Where an application for a prospecting permit includes any lands, the surface rights of which have been patented, sold, leased or located, and the mines, minerals or mining rights of which have been reserved to the Crown, such permit shall not issue until the applicant has filed evidence to the satisfaction of the Minister, that he has arranged with the owner or owners of the said surface rights for compensation for injury or damage thereto, or failing such arrangement that such compensation has been ascertained and paid or secured in manner provided in section 119 hereof.

Where surface rights have been granted.

(5) Upon the holder of a prospecting permit, proving to the satisfaction of the Minister, that he has discovered petroleum, natural gas, coal or salt, or any one or more of the said substances in commercial quantities upon the lands included therein, the Minister may lease the said lands or any portion of them to the holder of the said permit or his assignee for a term of ten years at an annual rental of one dollar per acre, payable in advance, and subject to the expenditure of not less than two dollars per acre per annum for raising or obtaining petroleum, natural gas, coal or salt, or any one or more of the said substances therefrom, or in actual *bona fide* operations or works undertaken or made for the purpose of raising or obtaining the same. The lessee shall have the right of renewal of such lease at the expiry of the first term of ten years at the same rental, and at the expiry of the second term of ten years for another term of twenty years at such renewal rental as may then be agreed upon or provided by law or regulation.

Lease may issue on discovery.

Renewal.

(6) Every such lease shall contain such other conditions stipulations and provisos as the Lieutenant-Governor in Council may order and prescribe, and shall be forfeited and void if the rental payable thereunder be not paid when due, or upon failure to expend the money required therein to be laid out in *bona fide* operations or work for the purpose of raising or obtaining the aforementioned substances, or any one or more of them, or upon failure to comply with any of the said terms and conditions of such lease. Provided that a forfeiture for failure to pay rent when due may be defeated by paying up all arrears of rent within ninety days after the same became due and payable.

Lieutenant-Governor in Council may make regulations as to leases.

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(7) The right conferred by any such lease upon the lessee shall be to enter upon the lands mentioned or described therein, and to dig, bore, sink, drive or otherwise search for and obtain, raise and remove, petroleum, natural gas, coal and salt, or any one or more of such substances. All

Rights of lessee.

other

other minerals or mineral substances of value shall be reserved to the Crown, and it shall be lawful for the holder of a Miner's License at all times to go upon the said lands and prospect and search for valuable minerals and to stake out mining claims thereon, and obtain patents therefor, upon compensating the said lessee for injury or damage to the surface rights of the said lands; nevertheless, from such patents, the petroleum, natural gas, coal and salt in, on or under the said lands, shall be reserved.

(8) No such lease shall issue for lands in unsurveyed territory unless and until a plan in triplicate by an Ontario Land Surveyor, field notes and description, shall be filed in the Department, showing a survey in conformity with this Act, and to the satisfaction of the Minister.

(9) The holder of a prospecting permit or of a lease for petroleum, natural gas, coal or salt, shall not be entitled to the timber upon the lands included in such permit or lease but if the same are not covered by timber license, such holder may cut and use such timber or trees as may be necessary for prospecting and working the said lands, upon application to the Minister therefor, and upon payment of such rates as he may fix.

(10) The holder of a prospecting permit may, subject to the consent of the Minister endorsed thereon, transfer by assignment in the Form No. 25 in the appendix hereto all his rights in the said Permit or the lands included therein, and upon said consent being given the licensee to whom the same is transferred shall thereupon be entitled to the unexpired term of the said permit, with any right of renewal thereof hereby authorized.

### PLACER MINING.

Placer mining claims.

182. The provisions of this Act in regard to staking out a mining claim after discovery thereon of valuable mineral shall be applicable, likewise, to placer mining claims, except that in the case of placer mining claims it shall not be necessary, preliminary to having the right to stake out, that there should have been a discovery of valuable mineral in place, but a discovery of a bed or deposit of gold or platinum bearing sand, earth, clay or gravel, or of precious stones, shall entitle the licensee, by or on whose behalf such discovery has been made, to stake out a placer mining claim thereon.

Dredging



## DREDGING LEASES.

183.—(1) The Lieutenant-Governor, by Order-in-Council, may make regulations respecting the issue of leases authorizing the holders thereof to dredge in any river, stream or lake in, on or flowing through Crown lands, or the bed or beds of which belongs to the Crown, for the purpose of recovering valuable minerals therefrom, and from time to time, may alter or revoke any order or orders or regulations in respect thereof, and make others in their stead, and all orders or regulations made by virtue of the provisions of this section shall have force and effect only after the same shall have been published in *The Ontario Gazette*. Lieutenant-Governor in Council may make regulations as to dredging leases.

(2) Such leases shall provide for the payment of an annual rental in advance of not less than twenty dollars per mile in length of any such river, stream or lake, and shall not be for a greater term than ten years, renewable at the expiry thereof, and shall contain provisions for protecting all other public interests in such river, stream or lake, including the driving of logs and timber, and navigation. Provisions to be included in dredging leases.

## FEES.

184. The fees to be paid under this Act shall be according to the tariff therefor set forth in the schedule hereto. A fee not exceeding twenty-five cents for each affidavit taken before a Mining Recorder, shall be payable to the said Recorder for his own use. Fees.

## MINING PARTNERSHIPS.

185.—(1) In addition to all other provisions of law in Ontario regarding partnerships or unincorporated companies for mining purposes such partnerships shall be subject to the provisions of this Act referable thereto. Mining partnerships.

(2) Such partnerships may be composed of two or more persons of the age of 18 years or over.

(3) After the passing of this Act no such partnerships shall be entitled to receive or hold a miner's license in Ontario, or be entitled to stake out a mining claim, or a special mining claim, or apply for a working permit, or be recorded as the holder or transferee either of a mining claim, a special mining claim or a working permit in any Mining Division in Ontario, or to perform mining operations of any kind in Ontario, until the provisions of this Act referable thereto shall have been complied with. Partnerships must comply with Act.

Certificate with particulars of partnership to be signed by partners.

(4) Every member of a mining partnership shall severally sign (either personally or by attorney duly authorized in writing in the form in the schedule to this Act, which authorization shall be annexed to the certificate of partnership hereafter mentioned) a certificate (which may be in the Form No. 26 in the schedule to this Act) wherein shall be stated :

- (a) The names in full, addresses and occupations of all the partners.
- (b) The name under which the partnership is to be conducted.
- (c) The total number of shares of said partnership.
- (d) The number of shares of said partnership owned by each partner.
- (e) The period at which the partnership is to commence and at which it is to terminate.
- (f) The name in full, address and occupation of some individual resident in Ontario, or an incorporated company having its head office in Ontario authorized to act as Agent, and who consents in writing in such certificate to act as agent of the partnership, and who shall have power to bind the partnership in any contract made or entered into on behalf of the partnership and signed by such agent.

Partnership to be recorded with Mining Recorder.

(5) Such mining partnership, before being entitled to the issue of a miner's license, shall be recorded as herein provided in the office of the Mining Recorder, to whom application is made by or on behalf of such mining partnership for a miner's license.

How partnership to be recorded.

(6) A mining partnership shall be recorded by presenting to and filing with a Mining Recorder a certificate which complies with the provisions of subsection 4 of this section, or by presenting to and filing with a Mining Recorder a copy certified by a Mining Recorder to be a true copy of a certificate as aforesaid duly recorded in his office, and by paying the fee therefor prescribed in the schedule to this Act.

Partnership not entitled to stake or hold claims until recorded.

(7) No mining partnership shall be entitled to stake out a mining claim, or apply for a working permit, or be recorded as the holder or transferee of a mining claim or of a working permit or of mining property of any nature or of any interest of any kind therein in a Mining Division,

or

or to perform mining operations of any kind in Ontario, unless and until such partnership has been recorded as herein provided in the Mining Division in which such mining claim, working permit or mining property is situated.

(8) Every contract made or entered into in writing on behalf of a mining partnership by the recorded agent for the time being of such partnership as herein provided and signed by such agent, shall be binding upon said partnership.

Contracts by recorded agent to bind partnership.

(9) A majority in interest for the time being of the recorded members of a mining partnership may revoke the appointment of such agent of the partnership by signing a certificate of revocation thereof in the form No. 27 in the schedule to this Act, and by recording such certificate in the office of a Mining Recorder, and not otherwise, but such revocation shall not be effectual until so recorded, and shall only be effectual as to the Mining Division or divisions wherein so recorded. In the event of the death of the recorded agent of a mining partnership a majority in interest for the time being of the recorded members of such partnership may by a certificate in the form No. 28 in the schedule to this Act appoint another qualified person or corporation to be the agent of such partnership, but such appointment shall not be effectual until recorded with such Mining Recorder or Recorders as the appointment of such deceased agent had been recorded with.

Revocation of appointment of agent of partnership.—how effected.

On death of recorded agent new agent may be appointed.

(10) No certificate of revocation of the agent of a mining partnership shall be effectual unless it substitutes another qualified agent who consents in writing in such certificate to act as agent, and possesses the same authority to bind the partnership as was theretofore possessed by the agent whose authority is thereby revoked.

Certificate of revocation to appoint new agent.

(11) Any specified share or shares in a mining partnership may be transferred to any person or mining partnership or incorporated company authorized to deal in the shares of a mining partnership, by the owner thereof, or the executor or administrator of a deceased owner thereof, or by the assignee for the benefit of creditors of the owner thereof, or by a sheriff or bailiff in due course of law, by signing and recording with the Mining Recorder of each Mining Division wherein such mining partnership is recorded a transfer thereof in the form No. 29 in the schedule to this Act, and not otherwise.

Transfer of shares in partnership.

(12) A mining partnership may be dissolved in the same manner as any other partnership may be legally dissolved, except that it shall not be dissolved by the death of any partner, but the share or shares of such deceased partner, if not otherwise disposed of by the will of such deceased partner, shall devolve upon the executor or administrator of such partner. Such dissolution may be according to form (No. 30) in the appendix hereto.

Dissolution of partnership.

After dissolution recorded agent to be trustee for individual partners.

(13) The dissolution of a mining partnership shall not constitute a revocation of the authority of the recorded agent for the time being of such partnership, but after such dissolution such agent, instead of being a trustee for the partnership as a whole, shall thereupon become and be the trustee of the individual partners or their legal representatives, as the case may be, but may, nevertheless, bind the interest of the individual partners and their legal representatives in selling, mortgaging or otherwise dealing with and transferring the property of the partnership in the partnership name until the affairs of the partnership are finally wound up.

Recorded agent to be subject to Mining Commissioner or any court or judge.

(14) The recorded agent, for the time being, of a mining partnership shall at all times be subject to and shall obey the orders of the Mining Commissioner, or of any Court or Judge in Ontario, as the case may be, under the provisions of this Act.

Recorded agent not relieved from liability for breach of trust.

(15) Nothing contained in subsections 1 to 13 inclusive of this section, shall relieve a recorded agent, for the time being, from liability at law for any breach of trust committed by such agent in wilfully disobeying the instructions given to such agent by the majority in interest, for the time being, of the recorded members of such mining partnership, but notice or knowledge of such breach of trust shall not affect the interest or title of any person or corporation contracting with such agent while such agent remains the recorded agent of such partnership.

Certain sections of the Ontario Companies' Act to apply.

Rev. Stat. c. 191.

(16) Unless otherwise provided in writing by the partnership and incorporated in the certificate in subsection 4 of this section mentioned, the like provisions as are contained in sections 27 to 40, 42 to 44, 46 to 64, 77, 78, 81 to 85, 87 to 94, and 97 of *The Ontario Companies Act*, and amendments thereto as far as same are not incapable of being applied thereto, shall be deemed to be part of the partnership agreement of every mining partnership recorded under the provisions of this Act, and to be binding upon the recorded partners, for the time being, therein and upon the legal representatives of such partners.

#### INCORPORATED COMPANIES.

As to incorporated companies.

186.—(1) After the passing of this Act no incorporated company shall be entitled to receive or hold a miner's license in Ontario, or be entitled to stake out a mining claim, or a special mining claim, or apply for a working permit, or be recorded as the holder or transferee either of a mining claim, a special mining claim, or a working permit in any mining division in Ontario, or to perform mining operations of any kind in Ontario until the provisions of this Act referable thereto shall have been complied with.



(2) Such incorporated company, before being entitled to the issue of a miner's license, shall be recorded as herein provided in the office of the Mining Recorder, to whom application is made by or on behalf of such company for a miner's license.

Company to be recorded in office of Mining Recorder. **5.5**

(3) An incorporated company shall be recorded by presenting to and filing with a Mining Recorder a true copy of the Letters Patent, Articles of Association or Special Act incorporating such company, verified on oath by the Secretary of the company, and in case of a company not incorporated in Ontario, also of the license authorizing such company to transact business or hold lands in Ontario, or by presenting to and filing with a Mining Recorder a copy certified by a Mining Recorder to be a true copy of the true copy as aforesaid, duly recorded in his office, and by paying the fee therefor prescribed in the schedule to this Act. The affidavit in this section referred to may be according to form No. 31 in the appendix hereto.

Company to file copy of Letters Patent, Articles of Association, etc., verified on oath.

(4) No incorporated company shall be entitled to stake out a mining claim or apply for a working permit, or be recorded as the holder or transferee of a mining claim, or of a working permit, or of mining property of any nature, or of any interest of any kind therein in a Mining Division, or to perform mining operations of any kind in Ontario, unless and until such company has been recorded as herein provided in the mining division in which such mining claim, working permit or mining property is situated.

Company to be recorded in mining division where property situate.

#### EXPLORATORY DRILLING.

187.—(1) The Minister may out of moneys voted for that purpose, purchase such diamond drills as he may deem necessary for use in exploratory drilling of ores or minerals in the Province under rules and regulations made by the Lieutenant-Governor in Council, which shall amongst other things provide—

Purchase of drills for exploratory purposes.

- (a) For the control and working of the drills under the direction of a person or persons employed for the purpose by the Bureau of Mines.
- (b) As to the payment of freight charges where the drills are used upon mines or lands other than those owned by the Crown.
- (c) As to applications for use of the drills and the method of dealing therewith.
- (d) As to charges for use of the drills and for damages thereto, or wear and tear connected therewith, and otherwise as to the Lieutenant-Governor in Council shall seem meet. R.S.O. 1897, c. 36, s. 13.

(2) The rules and regulations for the control and working of diamond drills heretofore adopted by Order-in-Council shall

shall remain in force until amended or repealed by the Lieutenant-Governor in Council.

### LIEN FOR WAGES.

Mine workers  
to have lien for  
wages.

188. Every miner, mechanic, labourer or other person who performs labour for wages in connection with any mine or mining property or works connected therewith shall have upon the said mine and other property of the owner therein and thereon a lien for such wages, not exceeding the wages for thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*. R.S.O. 1897, c. 209, s. 82 (14).

No agreement  
to deprive mine  
workers of  
benefit of lien.

189. No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act of the benefit of a lien, but the lien shall attach notwithstanding such an agreement. R.S.O. 1897, c. 153, s. 6.

### RIOT ACT.

Lieutenant-  
Governor in  
Council may  
proclaim Riot  
Act in Mining  
Division.

190. The Lieutenant-Governor in Council may as often as occasion requires declare by proclamation that he deems it necessary that *The Act respecting Riots near Public Works* shall, so far as the provisions therein are applicable, be enforced in any defined locality within a Mining Division which he may deem necessary, and upon and after the date named in any such proclamation section 1 and sections 3 to 11 inclusive of the said Act, so far as the provisions thereof can be applied therein, shall take effect within the locality or Mining Division designated in the proclamation, and the provisions of the said Act shall apply to all persons employed in any mines or in mining within the limits of such locality or Mining Division as fully and effectually to all intents and purposes as if the persons so employed has been specially mentioned and referred to in the said Act. R.S.O. 1897, c. 36, s. 58 (1).

Rev. Stat., c. 38.

### REGULATIONS FOR WORKING MINES.

Application of  
sections  
191 to. 221

191. Sections 191 to 221 inclusive shall apply to all mines, quarries and pits, and to oil, gas and salt wells, and other openings from which ores or minerals of any kind or class are raised or taken, and to all furnaces or works for smelting or otherwise treating ores, rocks, clays, sands, oils, brines or other minerals for any economic object; and all owners or agents of such mines, quarries, pits, wells, furnaces and works shall observe and keep the provisions of the said sections, and in case of non-observance thereof shall incur the penalties provided therefor by section 213. R.S.O. 1897, c. 36, s. 59.

### EMPLOYEES.

Employment  
for women and  
children.

192. No boy under the age of fifteen years shall be employed in or allowed to be for the purposes of employment in

in any mine to which this Act applies below ground; and except in the case of mica trimming works no girl or woman shall be employed at a mining work or allowed to be for the purpose of employment at mining work in or about any mine. R.S.O. 1897, c. 36, s. 60.

193.—(1) No boy or young male person of the age of fifteen and under the age of seventeen years shall be employed or allowed to be for the purpose of employment in any mine to which this Act applies below ground on Sunday or for more than forty-eight hours in any one week, or more than eight hours in any one day. Hours of employment for boys.

(2) The period of such employment, and the time during which any such boy or person may be below ground for the purpose of employment shall respectively be deemed to begin at the time of leaving the surface and to end at the time of returning to the surface.

(3) A week shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. R.S.O. 1897, c. 36, s. 61.

194. The owner or agent of every mine to which this Act applies shall keep in the office at the mine, or in the principal office of the mine belonging to the same owner in the district in which the mine is situated, a register, and shall cause to be entered in such register the name, age, residence and date of the first employment of all boys or young male persons of the age of fifteen and under the age of seventeen years who are employed in the mine below ground, and shall produce such register to any Inspector at the mine at all reasonable times when required by him, and allow him to inspect and copy the same. The immediate employer of every boy or male young person of the age aforesaid other than the owner or agent of the mine, before he causes such boy or male young person to be in any mine to which this Act applies below ground, shall report to the owner or agent of such mine or some person appointed by such owner or agent, that he is about to employ such boy or young male person in the said mine. Register to be kept of lads employed. R.S.O. 1897, c. 36, s. 62.

195. Where there is a shaft, incline, plane or level in any mine to which this Act applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up, down or along such shaft, plane or level by means of any engine, windlass or gin, driven or worked by steam or by any mechanical power, or by an animal, or by manual labor, no person shall be allowed to have charge of such engine, windlass or gin, or of any part of the machinery, ropes, chains or tackle connected therewith, unless he is a male of at least twenty years of age. Where the engine, windlass or gin is worked by an animal, Age and sex of persons in connection with engines. the

the person under whose direction the driver of the animal acts shall for the purposes of this section be deemed to be the person in charge of the engine, windlass or gin, and no person shall be employed as such driver who is under sixteen years of age. R.S.O. 1897, c. 36, s. 63.

Penalty for employment of persons contrary to Act.

196. If any person contravenes any provision of the four next preceding sections of this Act he shall be guilty of an offence against this Act, and in case of any such contravention by any person whomsoever in the case of any mine, the owner and the agent of such mine shall each be guilty of an offence against this Act, unless such owner or agent proves that he had taken all reasonable means to prevent such contravention by publishing, and to the best of his power enforcing the provisions of this Act. R.S.O. 1897, c. 36, s. 64.

Where person under age employed on false representation.

197. If it appears that a boy or young person or any person employed about an engine, windlass or gin was employed on the representation of his parent or guardian that he was of an age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or agent of the mine and the immediate employer shall be exempted from any penalty, notwithstanding such boy or other person was not of an age at which his employment as aforesaid is authorized by this Act, provided such owner, agent or employer shall immediately upon discovery of the fact discharge such boy from such employment, but the parent or guardian shall for the misrepresentation aforesaid be deemed guilty of an offence against this Act. R.S.O. 1897, c. 36, s. 55.

Licenses not to damage other claims.

198. In mining operations no licensee shall cause damage or injury to the holder of any mining property by throwing earth, clay, stones or mining material on such other mining property, or by causing or by allowing water which may be pumped or bailed or may flow from a mining claim or other mining property of such licensee, to flow into or upon such other mining property, under a penalty of not more than \$10 and costs for every offence, and for every day such damage or injury continues, and in default of payment of the fine and costs the licensee offending may be imprisoned for any period not exceeding one month. The provisions herein contained shall be in addition to any civil claim for damages which may be incurred by the owner of any mining property sustaining damage or injury of the nature aforesaid. R.S.O. 1897, c. 36, s. 57.

#### LIQUOR LICENSES.

Liquor licenses forbidden within six miles of certain mines.

199. Excepting in towns and incorporated villages, no license shall hereafter be issued to any public house, beer shop or other place not now under license for the sale of any spirits



spirits, wine, beer or other spirituous or fermented liquor within six miles of any mine or mining camp where six or more workmen are employed. 63 V. c. 13, s. 21.

#### PAYMENT OF WAGES.

**200.**—(1) No wages shall be paid to any person employed in or about any mine to which this part applies at or within any public house, beer shop or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor, or other house of entertainment, or within any office, garden, or place belonging or contiguous thereto or occupied therewith. R.S.O. 1897, c. 36, s. 66 (1). Prohibition of payment of wages at public houses.

(2) Every person who contravenes or permits any person to contravene this section shall be guilty of an offence against this Act, and in the event of any such contravention by any person whomsoever the owner or agent of the mine in respect of which the wages were paid shall each be guilty of an offence against this Act, unless such owner or agent proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this section. R.S.O. 1897, c. 36, s. 66 (2). Penalty.

#### STATISTICAL RETURNS.

**201.**—(1) The owner or agent of every mine, quarry or other works to which this Act applies shall on or before the 15th day of January in every year send to the Bureau of Mines a correct return for the year ending on the preceding 31st day of December of the number of persons ordinarily employed in or about such mine below ground and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof; and the owner or agent of every metalliferous mine shall, if required, make similar returns at the end of each month or quarter of the calendar year for such month or quarter in order that the same may be tabulated for publication under the instructions of the Minister. Statistical returns by owners and agents of mines.

(2) For the purpose of collecting the data of such statistics the Deputy Minister shall prepare the required schedules in such forms as he may, from time to time, deem desirable, and send the same by mail to be filled up and returned by the owner or agent of every such mine, quarry or works in the Province. Schedules to be furnished by Deputy Minister.

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any Penalty.  
return

return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. R.S.O. 1897, c. 36, s. 67 (1).

Plans to be produced on inspection of mine.

202.—(1) On the occasion of any examination or inspection of a mine the owner shall, if required so to do, produce to the Inspector, or any other person authorized by the Minister, an accurate plan of the workings thereof; every such plan as aforesaid shall show the workings of the mine up to within six months of the time of the inspection, and the owner shall, if required by such Inspector or other authorized person, cause to be marked on such plan the progress of the workings of the mine up to the time of such inspection, and shall also permit the Inspector to take a copy or tracing thereof.

Plan of working mines to be filed.

(2) An accurate plan of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of either a tunnel or shaft having a longitudinal extension of fifty feet or more, shall be made and a certified copy filed at the office of the Bureau of Mines on the thirty-first day of March of each year showing the workings of the mine up to the thirty-first day of December preceding, and whenever work in a mine has been discontinued or abandoned for a period of one month such plan shall be filed at the office of the Bureau of Mines within two months from the date of cessation of work, and failure to comply with any of these provisions on the part of the owner or agent of the mine shall be regarded as an offence against this Act; but every such plan shall be maintained as confidential information for the use of the officers of the Bureau of Mines concerning the state and extent of every such mine, and shall not be exhibited nor shall any account thereof be imparted to any person or persons except with the written permission of the owner or agent of the mine. R.S.O. 1897, c. 36, s. 31; 63 V., c. 13, s. 20.

#### PREVENTION OF ACCIDENTS.

Fencing of abandoned or unworked mines.

203. For the prevention of accidents where any mine has been abandoned or the working thereof has been discontinued, the owner or lessee, or other person interested in the minerals of the mine shall cause the top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced; and if any person fails to act in conformity with this section he shall be guilty of an offence against this Act, and any shaft, entrance, pit or other opening which is not fenced as aforesaid shall be deemed to be a nuisance. R.S.O. 1897, c. 36, s. 68.

Coroner to hold inquest in case of fatality in a mine.

204. It shall be the duty of the coroner who resides nearest to any mine wherein or in connection wherewith any fatality

fatality has occurred, to forthwith conduct an inquest, but if such coroner is in any way in the employ of the mine owner or lessee of the mine in question he shall be ineligible to act as coroner in reference thereto, and any other coroner shall, upon application by any person interested, at once issue his warrant and conduct such inquest, and this section shall be his authority for so doing, whether his commission extends to such territory or not.

205. The following general rules shall so far as may be reasonably practicable be observed in every mine to which this Act applies: General rules.

1. An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, adits, tunnels, winzes, rises, sumps, levels, stopes, cross-cuts, underground stables and working places of such mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein. Ventilation.  
R.S.O. 1897, c. 36, s. 69 (1).

2. In every working mine which is entered by a shaft and operated to a greater depth than 100 feet, and in every mine which is entered by an adit or tunnel and operated to a greater distance than 300 feet from the entrance to the adit or tunnel, it shall be lawful for the Inspector to require a sufficient number of portable water-tight privies to be provided for the underground employees of the mine, and such privies shall be taken to the surface and thoroughly cleansed every twenty-four hours. Portable privies.

#### CARE OF EXPLOSIVES.

3. No magazine for powder, dynamite or other explosive shall be erected or maintained at a nearer distance than four hundred feet from the mines and works, or any public highway, except with the written permission of the Inspector, and every such magazine shall be constructed of materials and in a manner to insure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or else an artificial mound of earth as high as the magazine and situated not more than 30 feet from it shall be so interposed. Magazine for explosives.

4. No powder, dynamite or other explosive shall be stored underground in a working mine in excess of supply for 24 hours. It shall be kept in securely covered and locked boxes, and, where thawed underground, it shall be kept in unused parts of the mine, never less than ten feet from lines of underground traffic nor less than one hundred and fifty feet from places where drilling and blasting are carried on, and shall at all times be in charge of a specified Where explosives are stored in a mine.

man fully qualified by his experience to take charge thereof.

Storage of fuse,  
blasting caps,  
etc.

5. No fuse, blasting caps, electric detonators, or any articles containing iron or steel shall be stored in the same magazine with powder, dynamite or other explosive, nor at a less distance than fifty feet from such magazine, but they shall be stored in a covered box in a place of safety.

Lighted lamps  
or candles to  
be kept at a  
distance from  
explosives.

6. Whenever a workman opens a box containing an explosive, or when he in any manner handles the same, he shall not permit any lighted lamp or candle to come closer than five feet to such explosive, nor permit said lamp or candle to be in such a position that the air current may convey sparks to the explosive, and a workman shall not approach nearer than five feet to an open box containing an explosive with a lighted lamp, candle, pipe or any other thing containing fire.

Inspection of  
stores of explo-  
sives in a mine.

7. A thorough daily inspection shall be made of the condition of explosives in a mine, and it shall be the duty of the manager, captain or other officer in charge of the mine to institute an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him; and any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered it, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act.

Thawing house  
and apparatus  
for explosives.

8. A proper house in which to thaw explosives shall be built separate from the other mine buildings, and shall be equipped with suitable apparatus approved by the Inspector for thawing explosives, and shall be under the direction of the mine foreman or some other careful and experienced workman. Whenever deemed necessary by the Inspector a proper apparatus for use in the mine for thawing explosives shall also be provided, and shall be used under the direction of the mine foreman or of some other careful and experienced workman. The quantity of explosives brought into the thawing house shall not at any time exceed the requirements of the mine for a period of twenty-four hours, except where such requirements would be less than one hundred pounds.

No iron or steel  
to be used in  
charging holes.

9. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel shall be used in any hole containing explosives.

Missed holes to  
be reported.

10. A charge which has missed fire shall not be withdrawn, but shall be blasted; and, in case the missed hole has not been blasted at the end of a shift, that fact shall be reported by the foreman or shift-boss to the mine captain

or



or shift-boss in charge of the next relay of miners before work is commenced by them.

11. All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure. Size of drill holes.

12. No powder, dynamite or other explosive shall be used to blast or break up ore in roast heaps where by reason of the heated condition of such ore or otherwise there is any danger or risk of premature explosion of the charge. Blasting of roast heaps.

#### PROTECTION IN WORKING PLACES.

13. Every underground plane on which persons travel which is self-acting, or worked by an engine, windlass or gin, shall be provided at intervals of not more than twenty yards with sufficient man-holes for places of refuge, and every such plane which exceeds thirty yards in length shall also be provided with some proper means of signalling between the stopping places and the end of the plane. Man holes in self-acting or engine planes

14. Every road on which persons travel underground where the produce of the mine in transit ordinarily exceeds ten tons in any one hour over any part thereof shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the waggons running on the tram-road and the side of the road, and the Minister of Lands and Mines may, if he sees fit, require the Inspector to certify whether the produce of the mine in transit on the road aforesaid does or does not ordinarily exceed the weight as aforesaid, and such certificate shall be conclusive as to the matters therein stated. Refuges in tram-roads.

15. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in such a position as to prevent convenient access thereto. Keeping refuges clear.

16. Where drifts extend from a shaft in opposite directions on the same level, a safe passage way and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material. Protection of workmen in drifts

17. Where a shaft is being sunk below levels in which work is going on, a suitable pentice shall be provided for protection of workmen in the shaft. and shafts

18. The top of every shaft shall, unless otherwise directed by the Inspector, be securely fenced, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected. Fencing of shafts and other openings

Guard rails. 19. Guard rails shall be placed round the shaft openings on every level of the mine.

Timbering. 20. Where the enclosing rocks are not safe every working or pumping shaft, adit, tunnel, stope or other working shall be securely cased, lined or timbered, or otherwise made secure.

Safety from water. 21. Every working mine shall be provided with proper and efficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

#### ASCENDING AND DESCENDING SHAFTS.

Division of shaft. 22. Where any portion of a shaft is used for the ascent and descent of persons by ladders or by a man engine, and another portion of the same shaft is used for raising the material being mined, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion.

Conditions under which machinery may not be used to lower or hoist men in a mine. 23. Workmen may not be lowered or hoisted in shafts, winzes or other underground openings of a mine under any of the following conditions:—

- (a) In buckets, skips or tubs;
- (b) In cages which are not provided with a hood, dogs and other approved safety appliances.
- (c) In cages where detaching hooks to prevent overwinding in mines of upwards of 1,000 feet vertically in depth are not provided.
- (d) Where no indications other than marks on the rope or cable are used to show to the person who works the machine or hoisting engine, the position of the cage in the shaft.
- (e) Where the rope or cable passes through blocks instead of passing over a sheave of diameter suited to the diameter of the rope or cable and properly mounted on a secure head-frame.

Printed copy of rule to be kept posted. It shall be the duty of the owner of every mine to post and maintain at the mouth of the shaft or other conspicuous place a printed copy of this rule, and in any case of accident occurring as a result of a violation of this rule the owner shall not be liable for damages except upon proof that he has permitted or authorized the employment of means herein prohibited for raising and lowering workmen in a mine, or that a suitable manway has not been provided.

Safety cages in shafts over 400 feet deep. 24. Whenever a mine shaft exceeds four hundred feet vertically in depth, a safety cage shall be provided, kept and used for raising and lowering men in the shaft, unless otherwise directed by the Inspector.

25. Unless with the written permission of the Inspector, skipways shall be provided with back timbers to prevent skips leaving the track where such skipways are inclined at more than 45 degrees from the horizon. Skipways.

26. Hoisting with horse and pulley-block is forbidden where the depth of a shaft is more than seventy-five feet. No open hook shall be used in hoisting. Hoisting with horse and pulley block.

27. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. Slipping of rope on drum.

28. There shall be attached to every hoisting machine a brake adequate to hold at any point in the shaft the weight when filled with ore of the skip, bucket or other vessel used for hoisting or lowering, and also in any shaft of greater depth than 200 feet there shall be a geared indicator (in addition to any mark on the rope) which will show to the person who works the machine the position of the cage or load in the shaft. Brake.

29. No person shall ride upon or against any loaded car in any level, drift or tunnel in or about any mine. Riding on loaded cars, etc.

#### SCALING, ESCAPEMENT SHAFTS, ETC.

30. It shall be the duty of the Manager, Captain or other competent officer of every mine to examine at least once every day all working shafts, levels, stopes, tunnels, drifts, crosscuts, raises, signal apparatus, pulleys and timbering in order to ascertain that they are in a safe and efficient working condition, and to inspect, and scale or cause to be inspected and scaled, the walls and roofs or all stopes or other working places at least once every week. Daily examination.

31. The owner, operator or superintendent of every mine where six or more men are employed in underground work shall maintain a properly constructed stretcher for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at such mine. Stretchers for conveyance of injured persons.

32. Every person, company or corporation who has sunk on any mine a vertical or incline shaft to a greater depth than 100 feet, where the top of such shaft is covered or enclosed by a building which is not fire-proof, and who has drifted a distance of 200 feet or more from the shaft and has commenced to stope, shall provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. If such an escapement Escapement shafts.

escapement shaft or opening is not in existence at the time that stoping is commenced work upon such escapement shaft or opening must be begun as soon as stoping is commenced, and must be diligently prosecuted until the same is completed, and the said escapement shaft or opening shall be continued to and connected with the lowest workings in the mine. The escapement shaft or opening herein provided for must be of sufficient size to afford an easy passage way, and if it is an upraise or shaft it must be provided with good and substantial ladders from the deepest workings to the surface. With the exception of any erection used solely as a shaft-house, no permanent building, for any purpose, shall hereafter be erected within fifty feet of the mouth of a mine.

Buildings not to be erected nearer than 50 feet to the mouth of a mine.

Old timber to be removed.

33. All old timber not in use to sustain the roof or walls or any part of a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Storing oils, etc.

34. All oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the powder magazine and from the main buildings, and their removal from said building for use shall be in such quantities only as are necessary to meet the requirements of one day.

Signalling.

35. Every working shaft in which persons are raised which exceeds 100 feet in depth shall unless exempted in writing by the Inspector, be provided with guides and some proper means of communicating by distinct and definite signals from the bottom of the shaft, and from every level for the time being in work between the surface and the bottom of the shaft to the surface, and also of communicating from the surface to the bottom of the shaft, and to every level for the time being in work between the surface and the bottom of the shaft.

Code of signals.

36. All methods of signalling in a mine shall be printed and posted up in the engine house or hoist house and also at the top of the shaft and at the entrance of each level. The following code of mine signals shall be used at every mine:—

#### CODE OF MINE SIGNALS.

One bell ..... Stop immediately—if in motion.

One bell ..... Hoist.

Two bells ..... Lower.

Three bells ..... Hoist men slowly.

Four bells ..... Blasting signal. Engineer must answer by raising bucket or cage a few feet and letting it back slowly, then one bell, hoist men away from blast.

Five



Five bells ..... Steam on.  
 Six bells ..... Steam off.  
 Seven bells ..... Air on.  
 Eight bells ..... Air off.  
 3—2—2 bells.... Send down drills.  
 3—2—3 bells... Send down picks.  
 Nine bells..... Danger signal, in case of fire or other  
 danger. Then ring number of station  
 where danger exists.

37. A proper foot-way or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft, and every such ladder in a working shaft shall have a substantial platform at intervals of not more than twenty feet, and no such ladder shall be fixed for permanent use in a vertical or overhanging position, and all ladders in shafts shall project at least two feet above the platform, and all hold-fasts shall be of iron securely fixed in the shaft casing. The said platform shall be closely covered, with the exception of an opening large enough to permit the passage of a man's body, and shall be so arranged that it would not be possible for a person to fall from one ladder through the opening to the ladder below.

Ladders and  
platforms.

38. If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of pure cold and warm water for washing shall be provided above ground near the principal entrance of the mine, and not in the engine room or boiler room, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Dressing room.

39. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be kept securely fenced.

Fencing  
machinery.

40. Every steam boiler shall be provided with a steam gauge and a proper water gauge to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.

Gauges and  
safety valves  
for boilers.

41. At least once in every six months every boiler shall be thoroughly cleansed, and at least once in every twelve months every boiler shall be subjected to an examination and hydraulic test by a competent person. The test of working boilers shall be equal to one and a half times the pressure at which the safety valve blows off.

Cleansing and  
testing boilers.

42. No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act.

Wilful damage.

Instructions  
and rules to be  
posted.

43. Instructions and rules required to be posted in or about a mine under the authority of this Act shall be written or printed in the language or languages most familiar to the workmen employed at the mine, and it shall be the duty of the owner or agent of the mine to maintain such instructions and rules duly posted, and the removal or destruction of them shall be an offence against this Act.

Blasting on  
contiguous  
claims.

44. In case parties working contiguous or adjacent claims disagree as to the time of setting off blasts, either party may appeal to an Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of such Inspector shall be final and binding upon such parties, and shall be duly observed by them in future blasting operations. 63 V. c. 13, s. 22.

Notice of  
changes in  
connection  
with the work-  
ing of a mine  
or in respect of  
its officers.

206. Where mining operations have been commenced upon any claim, location or works in the Province, or where such operations have been discontinued, or where such operations have been re-commenced after an abandonment or discontinuance for a period exceeding two months, or where any change occurs in the name of a mine or in the name of the owner or agent thereof, or in the officers of any incorporated company which is the owner thereof, the owner or agent of such mine, claim, location or works shall give notice thereof to the Deputy Minister within two months after such abandonment, discontinuance, re-commencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act.

#### NOTICE OF ACCIDENTS.

Notice of acci-  
dents in mines  
to be sent to  
Deputy  
Minister.

207. Where in or about any mine to which this Act applies, whether above or below ground, loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever, the owner or agent of the mine shall within twenty-four hours next after the explosion or accident send notice in writing of the explosion or accident, and of the loss of life, or personal injury occasioned thereby, to the Deputy Minister, and shall specify in such notice the character of the explosion or accident, and the number of persons killed and injured, respectively. R.S.O. 1897, c. 36, s. 71.

Special report.

208. The Minister may, at any time, direct an Inspector to make a special report with respect to any accident in or about any mine which has caused loss of life or personal injury to any person, and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient; and in conducting an inquiry into the cause of loss of life or of personal injury to any person in or about a mine, the Inspector shall have power to take evidence upon oath. R.S.O. 1897, c. 36, s. 72.

## OFFENCES AND PENALTIES.

209.—(1) Every person, not authorized by this Act so to do, who, contrary to the provisions of this Act, wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line or other mark placed, standing or made, or any figure or writing by law directed or permitted to be thereon under the provisions of this Act, or who attempts so to do, on conviction thereof, shall incur a fine not exceeding \$20 and costs, and, in default of payment, may be imprisoned for a period not exceeding one month. Penalty for removing post etc.

(2) Any person contravening the provisions of this Act, or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall for every day on which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs, and, in default of payment, may be imprisoned for a period not exceeding one month. Penalty for contravention of Act. R.S.O. 1897, c. 36, s. 74.

(3) Every person who pulls down, injures or defaces any rules, notice or abstract posted up by the owner or agent of a mine shall be guilty of an offence against this Act. Punishment for defacing notices. R.S.O. 1897, c. 36, s. 75.

(4) Every person who wilfully obstructs the Mining Commissioner or any officer appointed under the authority of this Act in the execution of his duty under this Act, and every owner or agent of a mine who refuses or neglects to furnish to the Mining Commissioner, or any person appointed by him, or to any officer appointed under this Act, the means necessary for making an entry, inspection, examination or inquiry under this Act in relation to any mine in any way within the control of such owner or agent, shall be deemed to be guilty of an offence against this Act. Penalty for obstructing the Inspector. R.S.O. 1897, c. 36, s. 76.

(5) The Mining Commissioner and every officer appointed under the authority of this Act may convict upon view of any of the offences punishable under the provisions of this Act or any Regulation made thereunder. Mining Commissioner may convict on view. R.S.O. 1897, c. 36, s. 82.

(6) Any person not authorized by this Act so to do who marks or stakes out a mining claim in whole or in part, or attempts to do so, shall be guilty of an offence against this Act. Penalty for unauthorized staking.

210. Where work of any sort in or about a mine is let to a contractor, he shall observe and carry out all the provisions of this Act for the prevention of accidents, and if he contravenes any of such provisions he shall be guilty of an offence against this Act and shall be liable to the same Responsibility of contractor to prevent accidents.

same penalties and may be proceeded against in the same way and to the same extent and effect as if he were an owner or agent. R.S.O. 1897, c. 36, s. 77.

Contravention  
of rules to be  
an offence.

211. Every person who contravenes or does not comply with any of the general rules contained in section 205 shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance with any of the said general rules in the case of any mine to which this Act applies by any person whomsoever being proved, the owner and agent of such mine, and any contractor and foreman employed in or about such mine, shall each be guilty of an offence against this Act unless such contractor or foreman proves that he had taken all reasonable means to prevent such contravention or non-compliance by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine. R.S.O. 1897, c. 36, s. 78.

Where  
employees  
deemed  
guilty.

212. Every person other than the owner or agent employed in or about a mine who is guilty of any act or omission which in the case of the owner or agent would be an offence against this Act, shall be deemed to be guilty of an offence against this Act. R.S.O. 1897, c. 36, s. 79.

Penalties.

213. Every owner or agent guilty of an offence against this Act shall be liable to a penalty not exceeding, except as in this section hereinafter provided, fifty dollars, and any other person guilty of an offence against this Act aforesaid shall be liable to a penalty not exceeding, except as in this section hereinafter provided, ten dollars; provided that if the Deputy Minister, a Mining Recorder or an Inspector has given written notice of any such offence having been committed, every such owner, agent or other person shall be liable to a further penalty not exceeding five dollars for every day that such offence continues after such notice. R.S.O. 1897, c. 36, s. 80.

Prosecution of  
owner or  
agent.

214. No prosecution shall be instituted against the owner or agent of a mine to which this Act applies for any offence under this Act except by an Inspector, or by the County or District Crown Attorney, or with the consent in writing of the Attorney-General; and in case the owner or agent of a mine is charged with an offence under this Act he shall not be found guilty thereof if he proves that he had taken all reasonable means to prevent the commission thereof, and an Inspector shall not institute any prosecution against an owner or agent if satisfied that he had taken such reasonable means as aforesaid. R.S.O. 1897, c. 36, s. 81.



**215.** All prosecutions for the punishment of any offence under this Act except under section 77 may take place before any two or more of His Majesty's Justices of the Peace having jurisdiction in the County or district in which the offence is committed, or before a Police or Stipendiary Magistrate, or before the Mining Commissioner, under the provisions of *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 36, s. 83.

Manner in which prosecution may take place.

Rev. Stat., c. 90

**216.** Any complaint or information made or laid in pursuance of this Act shall be made or laid within three months from the time when the matter of such complaint or information respectively arose, and

Limitation of prosecutions and form of information.

1. The description of any offence under this Act in the words of this Act shall be sufficient in law.

2. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offences in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the prosecutor or informant. R.S.O. 1897, c. 36, s. 84.

**217.** Nothing in this Act shall prevent any person from being indicted or liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, provided that he shall not be punished twice for the same offence. R.S.O. 1897, c. 36, s. 85.

Prosecution under other acts.

**218.** If the Court before whom a person is charged with an offence under this Act thinks that proceedings ought to be taken against such person for such offence under any other Act or otherwise, the Court may adjourn the case to enable such proceedings to be taken. R.S.O. 1897, c. 36, s. 86.

Where prosecution should be under another Act.

#### AS TO STEALING ORE AND PROVING TITLE THERETO.

**219.** The burden of proving that ore or mineral in the possession of any person charged with having stolen the same, or of any person on his behalf, has not been stolen shall be and rest upon the person in whose possession they may be found, or on whose behalf they are held, as the case may be.

Burden of proof as to ore alleged to have been stolen.

**220.** All fines and penalties imposed or payable under this Act may be recovered by distress and sale of any mining or other personal property of the offender, and in default of sufficient distress by imprisonment, with or without hard labour, not exceeding three months.

Fines recoverable by distress

B.C., 1896, c. 34, s. 155.

Application of  
fees, penalties  
and fines.

221. Fees, penalties and fines received under this Act, and the costs of all such convictions as take place before the Mining Commissioner, a Mining Recorder, an Inspector or Magistrate appointed under this Act, shall form part of the Consolidated Revenue Fund of this Province, and be accounted for and dealt with accordingly; and the expenses of carrying this Act into effect in any mining division shall be paid by the Lieutenant-Governor out of the said Consolidated Revenue Fund. R.S.O. 1897, c. 36, s. 87.

#### REPEALING CLAUSE.

Acts and regu-  
lations re-  
pealed.

222. The Acts and parts of Acts mentioned in this section, together with all regulations made thereunder, shall stand repealed and be repealed, except as hereinbefore provided; but such repeal shall not be deemed to imply that any of the said Acts or parts of Acts which have been repealed at any time prior to the passing of this Act have been in force since such repeal;

Proviso

Provided that such repeal shall not affect any rights acquired or any liabilities or penalties incurred, or any act or thing done, under any of the said Acts or parts of Acts or regulations made thereunder:—*The Mines Act* (R.S.O. 1897, Chapter 36), 60 Vict., Chapter 8; 61 Vict., Chapter 11; 62 Vict. (2), Chapter 10; 63 Vict., Chapter 13; 5 Edward VII., Chapter 9.

#### SCHEDULE.

##### THE MINES ACT, 1906.

##### APPENDIX OF FORMS.

1. Certificate of Record of staking out of Mining Claim. (See sec. 58.)
2. Miner's License. (See sec. 88.)
3. Renewal of Miner's License. (See sec. 92.)
4. Transfer of an unpatented Mining Claim. (See sec. 118.)
5. Application to Mining Recorder to Stake Out an Area for Working Permit. (See sec. 141, par. 11.)
6. Affidavit to accompany application for Working Permit. (See sec. 141, par. 11.)
7. Certificate of Mining Recorder of application for Working Permit. (See sec. 141, par. 12.)
8. Working Permit. (See sec. 141, par. 13.)
9. Notice to be posted by Mining Recorder in his office of application for a Working Permit. (See sec. 146.)
10. Notice by Mining Recorder of hearing of dispute in reference to non-compliance by a licensee with the provisions of *The Mines Act, 1906*, referable to a Working Permit. (See sec. 149.)
11. Transfer by a licensee of his interest in an area under a Working Permit. (See sec. 151.)
12. Renewal of Working Permit. (See sec. 152.)

13. Application to record the Staking out of a Mining Claim. See sec. 156.)
14. Affidavit of Discovery. (See sec. 157.)
15. Application by a Licensee for a Free Grant. (See sec. 156.)
16. Affidavit by a licensee to accompany an application for a Free Grant. (See sec. 157.)
17. Report by licensee to Mining Recorder of performance of work. (See sec. 161.)
18. Affidavit verifying report of performance of working conditions. (See sec. 162 (1)).
19. Notice by licensee to a Mining Recorder of intention to perform on one mining claim work intended to be applicable to contiguous claims held by same licensee. (See sec. 163.)
20. Notice by licensee of abandonment of a mining claim. (See sec. 165.)
21. Application for patent of a mining claim to the Mining Recorder of Mining Division. (See sec. 169.)
22. Application for a Prospecting Permit. (See sec. 181 (1)).
23. Affidavit to accompany application for Prospecting Permit. (See sec. 181 (1)).
24. Prospecting Permit. (See sec. 181 (2)).
25. Transfer by a licensee of his interest in a Prospecting Permit. (See sec. 181 (10)).
26. Certificate of a Mining Partnership. (See sec. 185 (4)).
27. Revocation of appointment of an Agent of a Mining Partnership. (See sec. 185 (9)).
28. Certificate of a Mining Partnership appointing a new Agent in place of one deceased. (See sec. 185 (9)).
29. Transfer of a share of a partner in a Mining Partnership. (See sec. 185 (11)).
30. Dissolution of a Mining partnership. (See sec. 185 (12)).
31. Affidavit verifying documents relating to the incorporation of a Mining Company. (See sec. 186 (3)).
32. Certificate of performance of working conditions. (See sec. 162 (2)).

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 1. (See sec. 58.)

### PROVINCE OF ONTARIO.

#### *Department of Lands, Forests and Mines.*

No

Fee \$

#### CERTIFICATE OF RECORD OF STAKING OUT OF MINING CLAIM.

I hereby certify that I have this day granted to \_\_\_\_\_ of  
 the holder of miner's license No. \_\_\_\_\_, dated  
 \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, (issued by the Mining  
 Recorder of the \_\_\_\_\_ Mining Division), a certificate of  
 record of mining claim No. \_\_\_\_\_, known as \_\_\_\_\_ containing  
 \_\_\_\_\_ acres, more or less.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_.

Mining Recorder of

Mining Division.

(Coat

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 2

(See Section 88.)

PROVINCE OF ONTARIO.

*Department of Lands, Forests and Mines.*

No.

Fee \$

(Name of place of issue and date of issue.)

190

## MINER'S LICENSE.

This License is issued to \_\_\_\_\_ called the  
 Licensee, of the \_\_\_\_\_ of \_\_\_\_\_ in consideration of  
 the payment of a fee of \_\_\_\_\_ dollars, under and subject to  
 the provisions of *The Mines Act, 1906*, to be in force until and in-  
 cluding the 31st day of March next succeeding the date hereof, and  
 is not transferable.

Mining Recorder of

Mining Division.

## STUB FOR FORM NO. 2.

(Stub.)

## MINER'S LICENSE.

No.

Fee \$

Name of Mining Division

Name of licensee

Of

Date of issue

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 3. (See section 92.)

PROVINCE OF ONTARIO.

*Department of Lands, Forests and Mines.*

No.

Fee \$

(Name of place of issue and date of issue.)

190

## RENEWAL OF MINER'S LICENSE.

This renewal of Miner's License No. \_\_\_\_\_ issued by the Mining  
 Recorder of \_\_\_\_\_ Mining Division, on the \_\_\_\_\_  
 day of \_\_\_\_\_ 190\_\_\_\_, to \_\_\_\_\_ of  
 \_\_\_\_\_ called the licensee, is issued to the licensee  
 in consideration of the payment of the fee of \_\_\_\_\_ dollars,  
 and under and subject to the provisions of *The Mines Act, 1906*.  
 renews the said license until and including the 31st day of March  
 next succeeding the date hereof, and is not transferable.

Mining Recorder of

Mining Division.

Stub



Stub for Form No. 3.

RENEWAL OF MINER'S LICENSE.

No. Fee \$  
 No. of Renewal  
 Name of Licensee  
 Name of Mining Division  
 Date of issue of original License  
 Date of issue of Renewal

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 4. (See section 118.)

*Department of Lands, Forests and Mines.*

TRANSFER OF AN UNPATENTED MINING CLAIM.

The undersigned, holder of miner's license No. \_\_\_\_\_ issued  
 by the Mining Recorder of \_\_\_\_\_ Mining Division,  
 in consideration of the sum of \_\_\_\_\_ dollars (receipt whereof is  
 hereby acknowledged), doth hereby transfer to  
 holder of miner's license No. \_\_\_\_\_ issued by the Mining Re-  
 corder of \_\_\_\_\_ Mining Division (a) the interest  
 of the undersigned in Mining Claim No. \_\_\_\_\_ in the Mining  
 Division, particularly described as follows:

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_

Witness.

Signature of Transferor

County (or District) of \_\_\_\_\_ } I, \_\_\_\_\_ of the  
 To wit: } of \_\_\_\_\_ in the  
 } make oath and say:

1. That I know \_\_\_\_\_, the above-named trans-  
 feror, and was present and saw the above transfer of mining claim  
 duly signed and executed by the said transferor at  
 in the \_\_\_\_\_ of \_\_\_\_\_ on the  
 day of \_\_\_\_\_ 190 \_\_\_\_\_

Sworn before me at the \_\_\_\_\_  
 of \_\_\_\_\_

in the \_\_\_\_\_  
 of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 A.D. 190 \_\_\_\_\_

(a) State interest.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 5. (See sec. 141, par. 11.)

*Department of Lands, Forests and Mines.*

APPLICATION TO MINING RECORDER TO STAKE OUT AN AREA FOR  
 WORKING PERMIT.

The undersigned of \_\_\_\_\_ holder of miner's license  
 No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_,  
 issued by the Mining Recorder of the \_\_\_\_\_ Mining  
 Division hereby applies to the Mining Recorder of the  
 Mining Division for a working permit of the area consisting of  
 \_\_\_\_\_ acres, more or less, according to the sketch or plan  
 attached hereto, more particularly described as follows:

The area was staked out and the lines cut and blazed on the  
 day of \_\_\_\_\_ 190 \_\_\_\_\_, and the name by which  
 the said area may be known is \_\_\_\_\_  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_

Signature of licensee in full.  
 Post office address of Licensee.

(Coat

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 6. (See sec. 141, par. 11.)

*Department of Lands, Forests and Mines.*

## AFFIDAVIT TO ACCOMPANY APPLICATION FOR WORKING PERMIT.

County (or District) of \_\_\_\_\_  
 To Wit: } I, \_\_\_\_\_ of the  
 \_\_\_\_\_ of \_\_\_\_\_ in the  
 \_\_\_\_\_ holder of Miner's license No. \_\_\_\_\_  
 dated \_\_\_\_\_ 190 \_\_\_\_\_ day of \_\_\_\_\_  
 issued by the Mining Recorder of \_\_\_\_\_  
 Mining Division, make oath and say:

1. That the sketch or plan hereto attached is correct and correctly shows the location of the posts referred to in the annexed application for working permit, and their distances from each other in feet and inches, and all the statements and particulars set out in said application are true and correct.

2. That I have no knowledge of and have never heard of any adverse claim to the said area described in the said application for working permit, by reason of discovery of valuable mineral, improvement, occupation or otherwise.

3. That the application for said working permit is made on behalf of \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, holder of miner's license No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division.

Sworn before me at the \_\_\_\_\_  
 of \_\_\_\_\_

in the \_\_\_\_\_  
 of \_\_\_\_\_ this \_\_\_\_\_  
 day of \_\_\_\_\_  
 A.D. 190 \_\_\_\_\_

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 7. (See sec. 141, par. 12.)

*Department of Lands, Forests and Mines.*

## CERTIFICATE OF MINING RECORDER OF APPLICATION FOR WORKING PERMIT.

The undersigned hereby certifies that \_\_\_\_\_ of \_\_\_\_\_, the holder of miner's license No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_, and issued by the Mining Recorder of the \_\_\_\_\_ Mining Division has this day applied to me for a working permit of the area described as follows:

said to have been staked out by said licensee for himself or \_\_\_\_\_ holder of miner's license No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_, issued by the Mining Recorder of the \_\_\_\_\_ Mining Division, (or, as the case may be), on the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_.

Dated at \_\_\_\_\_ the \_\_\_\_\_

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 8. (See sec. 141, par. 13.)

*Department of Lands, Forests and Mines.*

(Coat of Arms.)

PROVINCE OF ONTARIO.

*Department of Lands, Forests and Mines.*

No.

Fee \$5.00.

## WORKING PERMIT.

Pursuant to the provisions of *The Mines Act, 1906*, and subject thereto, a Permit is hereby granted to  
 of \_\_\_\_\_, the holder of License No. \_\_\_\_\_ dated this  
 day of \_\_\_\_\_ 190\_\_\_\_, issued by the  
 Mining Recorder of \_\_\_\_\_ Mining Division  
 to enter into exclusive possession of the area consisting of  
 acres, more or less, defined in the sketch or plan attached hereto,  
 and more particularly described as follows:

and to work thereon during the period of six months from the day  
 of the date hereof, together with such renewal (if any) as is con-  
 tained in the renewal hereof endorsed hereon.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_.

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 9. (See sec. 146.)

*Department of Lands, Forests and Mines.*NOTICE TO BE POSTED BY THE MINING RECORDER IN HIS OFFICE OF THE  
APPLICATION FOR A WORKING PERMIT.

Notice is hereby given that \_\_\_\_\_ of  
 the holder of Miner's License No. \_\_\_\_\_, dated the \_\_\_\_\_ day of  
 190\_\_\_\_, and issued by the Mining Recorder of \_\_\_\_\_  
 Mining Division, has this day applied to me for  
 a Working Permit of the area described as follows:

said to have been staked out by said licensee for himself, or  
 holder of Miner's License No. \_\_\_\_\_, dated the \_\_\_\_\_  
 day of \_\_\_\_\_ 190\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_  
 Mining Division, \_\_\_\_\_ or as the case may be  
 on the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_  
 Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_.

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 10. (See sec. 149.)

Department of Lands, Forests and Mines.

NOTICE BY MINING RECORDER OF THE HEARING OF DISPUTE IN REFERENCE TO NON-COMPLIANCE BY A LICENSEE WITH THE PROVISIONS OF THE MINES ACT 1906, REFERABLE TO A WORKING PERMIT.

You are hereby required to take notice that  
of \_\_\_\_\_ has complained to me that you have not com-  
plied with the provisions of *The Mines Act, 1906*, applicable to the  
Working Permit held by you, and that I have fixed (a) the  
\_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, at my office (or such  
*other place within the Mining Division as may be selected*) for the  
purpose of hearing what may be alleged on behalf of said complain-  
ant and yourself, and that I will, at the said time and place, decide  
the said dispute, of all of which you are required to take notice,  
and govern yourself accordingly.

Dated at                      this                      day of                      190 .

Mining Recorder of Mining Division.

(a) The time to be fixed must be such as will admit of seven clear days' notice being given to the licensee against whom the complaint has been made.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 11. (See sec. 151.)

Department of Lands, Forests and Mines.

TRANSFER BY A LICENSEE OF HIS INTEREST IN AN AREA UNDER  
WORKING PERMIT.

The undersigned, holder of miner's license No. \_\_\_\_\_ (issued by the Mining Recorder of \_\_\_\_\_ Mining Division), in consideration of the sum of \_\_\_\_\_ dollars, (receipt whereof is hereby acknowledged), hereby transfers to \_\_\_\_\_, holder of miner's license No. \_\_\_\_\_ (issued by the Mining Recorder of \_\_\_\_\_ Mining Division), (a)

of the undersigned, in Working Permit No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division.

Dated at                      this                      day of                      190

Witness.

*Signature of Transferor.*

Post office address of Transferor.

County (or District) of \_\_\_\_\_ } I, \_\_\_\_\_ of the  
To Wit: } of \_\_\_\_\_ in the  
\_\_\_\_\_ } make oath and say:

1. That I know the above named transferor, and was present and saw the above transfer of the Working Permit duly signed and executed



cuted by the said transferor at \_\_\_\_\_ in the  
of \_\_\_\_\_ on the \_\_\_\_\_ day of

190  
Sworn before me at \_\_\_\_\_  
of \_\_\_\_\_ in the  
of \_\_\_\_\_, this  
day of \_\_\_\_\_  
A.D. 190 .

A Commissioner or Notary Public or a Mining Recorder.  
(a) State interest transferred.

(Coat of Arms.)

### THE MINES ACT, 1906.

Form No. 12. (See sec. 152.)

*Department of Lands, Forests and Mines.*

#### RENEWAL OF WORKING PERMIT.

(To be endorsed on original Working Permit.)

The period within which \_\_\_\_\_ of  
holder of miner's license No. \_\_\_\_\_ is authorized to have exclusive pos-  
session of the area described in Working Permit No. \_\_\_\_\_, and to  
work same, is hereby renewed and extended until and including the  
day of \_\_\_\_\_, 190 .  
Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 .

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat of Arms.)

### THE MINES ACT, 1906.

Form No. 13. (See sec. 156.)

*Department of Lands, Forests and Mines.*

#### APPLICATION TO RECORD THE STAKING OUT OF A MINING CLAIM.

To the Mining Recorder of \_\_\_\_\_ Mining Division,  
the undersigned, holder of Mining License No. \_\_\_\_\_ dated the  
day of \_\_\_\_\_, 190 , issued by the  
Mining Recorder of \_\_\_\_\_ Mining Division, hereby  
applies under the terms and provisions of *The Mines Act, 1906*, to  
record the staking out of a Mining Claim, consisting of \_\_\_\_\_ acres.  
more or less, according to the sketch or plan attached hereto, and  
which is more particularly described as follows:

The discovery post is situate \_\_\_\_\_ feet from  
No. 1 post.

Discovery was made on the \_\_\_\_\_ day of  
190 , at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

The claim was staked and the lines cut and blazed on claim on  
the \_\_\_\_\_ day of \_\_\_\_\_ 190 , and the claim is known  
as \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 .

*Signature of Licensee in full.*

(Coat)

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 14. (See sec. 157.)

*Department of Lands, Forests and Mines.*

## AFFIDAVIT OF DISCOVERY.

County (or District) of \_\_\_\_\_ I, \_\_\_\_\_ of the  
 To Wit: \_\_\_\_\_ of \_\_\_\_\_ in the

Holder of miner's license No. \_\_\_\_\_ dated \_\_\_\_\_ day of  
 190 \_\_\_\_\_, issued by the Mining Recorder of  
 Mining Division, make oath and say:

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_,  
 at the hour of \_\_\_\_\_ o'clock m., I discovered valuable min-  
 eral or ore in place, to wit:

On the Mining Claim No. \_\_\_\_\_, and described in the application  
 hereto attached, and in the sketch or plan therein referred to, that  
 is to say:

(Give particulars of discovery, kind of ore or mineral, also, if pos-  
 sible, kind of rock enclosing same.)

2. That I have no knowledge of and have never heard of any ad-  
 verse claim to the said Mining Claim, except as follows:

3. That the sketch or plan hereto attached is correct, and shows  
 the location of the discovery post and of the other posts which pur-  
 port to be shown thereon, and, likewise, correctly states the dis-  
 tances in feet from the said other posts, and that all the par-  
 ticulars set out in the application to record the staking out of the  
 Mining Claim are true and correct in every particular.

4. That application for said Mining Claim is made by me on behalf  
 of \_\_\_\_\_ of \_\_\_\_\_ in the  
 of \_\_\_\_\_, holder of Mining License No. \_\_\_\_\_, dated  
 day of \_\_\_\_\_ 190 \_\_\_\_\_, issued by the  
 Mining Recorder of \_\_\_\_\_ Mining Division.

Sworn before me at  
 in the \_\_\_\_\_ of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 A.D. 190 \_\_\_\_\_

Mining Recorder of

Mining Division.

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 15. (See sec. 156).

*Department of Lands, Forests and Mines.*

## APPLICATION BY A LICENSEE FOR A FREE GRANT.

To the Mining Recorder of \_\_\_\_\_ Mining Division.

The undersigned, holder of Miner's License No. \_\_\_\_\_, issued by the  
 Mining Recorder of \_\_\_\_\_ Mining Division, claims to be  
 the first discoverer of valuable metal, ore or mineral, at a point  
 which is not less than five miles from the nearest known mine, vein,  
 lode or deposit of the same kind of metal, ore or mineral, as fol-  
 lows:

The discovery by me is of (a)  
 The location of the discovery is as shown on the accompanying sketch  
 or plan.

The nearest mine, vein, lode or deposit of the same kind of metal,  
 ore or other mineral, known to me, is at

I claim to be entitled to the said (b)  
without payment of purchase price according to *Mines Act, 1906*.  
Dated at                      this                      day of                      190 .

Name of Licensee.

Post office address of Licensee.

(a) State the kind of metal, ore or mineral.

(b) State whether Mining Claim or Special Mining Claim.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 16. (See sec. 157.)

*Department of Lands, Forests and Mines.*

AFFIDAVIT BY A LICENSEE TO ACCOMPANY APPLICATION FOR A  
FREE GRANT.

County (or District) of \_\_\_\_\_ } 1. \_\_\_\_\_ of \_\_\_\_\_  
To Wit: } in the \_\_\_\_\_ of \_\_\_\_\_  
make oath and say:

1. That the statements contained in the application by \_\_\_\_\_, holder of Miner's license No. \_\_\_\_\_ hereto annexed, for a Free Grant of \_\_\_\_\_ No. \_\_\_\_\_, are true and correct in every particular.

Sworn before me at \_\_\_\_\_  
in the \_\_\_\_\_  
of \_\_\_\_\_ this  
day of \_\_\_\_\_  
A.D. 190 \_\_\_\_\_

Mining Recorder of

Mining Division.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 17. (See sec. 161.)

Department of Lands, Forests and Mines.

REPORT BY LICENSEE TO MINING RECORDER OF PERFORMANCE OF  
WORK. (a)

To the Mining Recorder of \_\_\_\_\_ Mining Division:

I, the undersigned, holder of Miner's License No. \_\_\_\_\_ (issued by the Mining Recorder of \_\_\_\_\_ Mining Division), being the holder of (b) \_\_\_\_\_ No. \_\_\_\_\_ hereby notify you that I (c) have performed thereon the mining operations required by *The Mines Act, 1906*, as follows:

Dated at                      this                      day of                      190                      .

Name of Licensee.

P.O. address of Licensee.

(a) This report must be filed with the Mining Recorder not later than ten days after the time within which such mining operations are required to be performed.

(b) State whether mining claim, special mining claim or working claim.  
(c) I, or \_\_\_\_\_, on my behalf, as the case may be.

(c) I, or \_\_\_\_\_, on my behalf, as the case may be.

(Coat

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 18. (See sec. 162 (1).)

*Department of Lands, Forests and Mines.*AFFIDAVIT VERIFYING REPORT OF PERFORMANCE OF WORKING  
CONDITIONS.

County (or District) of  $\left\{ \begin{array}{l} \text{I,} \\ \text{of the} \\ \text{in the} \end{array} \right.$  of  
 To Wit:  $\left. \begin{array}{l} \\ \\ \end{array} \right\}$  make oath and say: of

1. That the statements contained in the annexed report by  
 the holder of Miner's License No. to the Mining  
 Recorder of Mining Division, relating to the per-  
 formance of mining operations on (a) No. are true and correct  
 in every particular.

2. That the statement contained in the preceding paragraph is  
 based upon the following information:

Sworn before me on the  
 day of  
 in the  
 of  
 this day of  
 A.D. 190

*Name of Licensee.**P.O. address of Licensee.*

Mining Recorder of the

Mining Division.

(a) State whether mining claim, special mining claim or Working  
 Permit.

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 19. (See sec. 163.)

*Department of Lands, Forests and Mines.*NOTICE BY A LICENSEE TO A MINING RECORDER OF INTENTION TO PER-  
FORM OF ONE MINING CLAIM WORK INTENDED TO BE APPLI-  
CABLE TO CONTIGUOUS CLAIMS HELD BY SAME LICENSEE.

To the Mining Recorder of the

Mining Division:

I, the undersigned, holder of Miner's License No. , issued by  
 the Mining Recorder of Mining Division) hereby  
 notify you that I am licensee holder of mining claims numbers  
 and , which are contiguous to each other, and  
 that during the years 190 and 190 it is my intention to per-  
 form upon said mining claim No. all the work required by the  
 provisions of *The Mines Act, 1906*, to be performed upon said min-  
 ing claims.

Dated at this day of 190

*Name of Licensee.**P.O. address of Licensee.*

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 20. (See sec. 165.)

*Department of Lands, Forests and Mines*

## NOTICE BY LICENSEE OF ABANDONMENT OF A MINING CLAIM, ETC.

To the Mining Recorder of

Mining Division:

Ehe



The undersigned, holder of miner's license No. \_\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division, and licensee holder of mining claim No. \_\_\_\_\_ hereby abandons all interest in said mining claim, and authorizes you to record such abandonment in the books of your office.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 .

*Name of Licensee.*

*P.O. address of Licensee.*

NOTE.—If working permit or prospecting permit, modify form accordingly.

\_\_\_\_\_  
(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 21. (See sec. 169.)

*Department of Lands, Forests and Mines.*

APPLICATION FOR PATENT OF A MINING CLAIM. (a)

To the Mining Recorder of \_\_\_\_\_ Mining Division:  
The undersigned, holder of Miner's License No. \_\_\_\_\_ (issued by the Mining Recorder of \_\_\_\_\_ Mining Division) and as licensee holder of (b) \_\_\_\_\_

No. \_\_\_\_\_ applies for the issue of a patent thereof.

All work to be performed thereon has been duly performed, and I now hand you \_\_\_\_\_ dollars, the purchase money thereof, and request the issue of a patent thereof to \_\_\_\_\_ of \_\_\_\_\_ being the holder of Miner's License No. \_\_\_\_\_ (issued by the Mining Recorder of \_\_\_\_\_ Mining Division).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 .

*Name of Licensee Applicant.*

*Post office address of Licensee.*

(a) This application must be made to the Mining Recorder of the Mining Division, within which the claim is situate, within a period of three years and three months from the date said claim was recorded.

(b) State whether Mining Claim or special Mining Claim.

\_\_\_\_\_  
(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 22. (See sec. 181 (1).)

*Department of Lands, Forests and Mines.*

APPLICATION FOR PROSPECTING PERMIT. (a)

The undersigned, of the \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 190 (issued by the Mining Recorder of \_\_\_\_\_ Mining Division), hereby applies to the Mining Recorder of \_\_\_\_\_ Mining Division, for a Prospecting Permit to prospect for petroleum, natural gas, coal or salt, of the area consisting of \_\_\_\_\_ acres, more or less, according to the sketch or plan attached hereto, more particularly described as follows:

The area was staked out and posts were planted on the day of \_\_\_\_\_ 190 , and the name by which the said area may be known is \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 .

*Signature of Licensee in full.*

*Post office address.*

(a) This form must be in duplicate.

\_\_\_\_\_  
(Coat

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 23. (See sec. 181 (1).)

*Department of Lands, Forests and Mines.*

AFFIDAVIT TO ACCOMPANY APPLICATION FOR PROSPECTING PERMIT. (a)

County (or District) of \_\_\_\_\_  
 To Wit: \_\_\_\_\_

I,  
 of the  
 of  
 in the  
 of  
 make oath and say:

1. That I am the holder of Miner's License No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division.

2. That the sketch or plan hereto attached is correct, and correctly shows the location of the posts referred to and the distance from each in feet, and all the statements and particulars set out in the said application are true and correct.

3. That I have no knowledge of and have never heard of any adverse claim to the issuing of a Prospecting Permit in the area described in the said application.

4. That the said application for said Prospecting Permit is made on behalf of \_\_\_\_\_ of \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division.

Sworn before me at  
 of the  
 in the  
 of  
 this \_\_\_\_\_ day of  
 A.D. 190\_\_\_\_\_

Mining Recorder of \_\_\_\_\_

Mining Division.

(a) This affidavit must be in duplicate.

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 24. (See sec. 181 (2).)

*Department of Lands, Forests and Mines.*

No. \_\_\_\_\_

Fee \$ \_\_\_\_\_

## PROSPECTING PERMIT. (a)

Pursuant to the provisions of *The Mines Act, 1906*, and subject thereto, a Prospecting Permit is hereby granted to \_\_\_\_\_, the holder of Miner's License No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division, to enter upon and prospect the area set forth and described in the sketch or plan attached hereto, for petroleum, natural gas, coal or salt, and to work thereon during a period of one year from the day of the date hereof.

Dated at  
 this \_\_\_\_\_ day of  
 A.D. 190\_\_\_\_\_

*Minister of Lands, Forests and Mines.*

(a) This permit is to be in duplicate, and one of such duplicate is to be retained in the office of the Bureau of Mines.

(Coat

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 25. (See sec. 181 (10).)

*Department of Lands, Forests and Mines.*

TRANSFER BY A LICENSEE OF HIS INTEREST IN A PROSPECTING PERMIT.

The undersigned, holder of Miner's License No. \_\_\_\_\_ (issued by the Mining Recorder of \_\_\_\_\_ Mining Division), in consideration of the sum of \_\_\_\_\_ dollars (receipt whereof is hereby acknowledged), hereby transfers to \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_ (issued by the Mining Recorder of \_\_\_\_\_ Mining Division), (a) \_\_\_\_\_ of the undersigned in Prospecting Permit No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, issued by the Minister of Lands, Forests and Mines.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_.

*Signature of Transferor.**Post office address of Transferor.*

County (or District) of \_\_\_\_\_  
To Wit: \_\_\_\_\_ } I, \_\_\_\_\_ of \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ make oath and say:

1. That I know the above named transferor, and was present and saw the above transfer of Prospecting Permit duly signed and executed by the said transferor at \_\_\_\_\_ in the \_\_\_\_\_

of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_.

Sworn before me at \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ day of \_\_\_\_\_ this \_\_\_\_\_ A.D. 190\_\_\_\_

A Commissioner or Notary Public or Mining Recorder.

(a) State interest transferred.

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 26. (See sec. 185 (4).)

*Department of Lands, Forests and Mines.*

## CERTIFICATE OF A MINING PARTNERSHIP.

This is to certify that the undersigned have formed a mining partnership, and that the following particulars thereof are true and correct:

(a) The names in full and addresses of all the partners are as follows:

(b) The name under which the partnership is to be conducted is as follows:

(c) The total number of shares into which said partnership is divided is \_\_\_\_\_

(d) The number of shares of said partnership owned by each partner is as follows:

(e) 1. The said partnership commenced on the \_\_\_\_\_ day of \_\_\_\_\_ 1906.

2. The date at which the partnership is to terminate is \_\_\_\_\_

(f) The name, address and occupation of the agent (a) of the partnership with whom all contracts may be made or entered into on behalf of the partnership is as follows:

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 190\_\_\_\_.

*Signatures of Members of Partnership.*

the

The undersigned, being the duly appointed Agent of the above-named partnership referred to in this certificate thereof, hereby consents to act as Agent of the said partnership.

Dated at                      this                      day of                      190                      .

Name of Agent.

P.O. address of Agent.

Witness:

(a) The Agent must be some individual resident in Ontario or an incorporated company having its head office in Ontario.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 27. (See sec. 185 (9).)

*Department of Lands, Forests and Mines.*

REVOCATION OF APPOINTMENT OF AN AGENT OF MINING PARTNERSHIP.

The undersigned being the majority in interest for the time being  
of the recorded members of the mining partnership known as "          "  
hereby revoke the appointment of             
of            the heretofore agent of the said partnership, and  
hereby appoint            of            to be agent  
of the said partnership in the place and stead of the said             
Dated at            this            day of             
A.D. 190      .  
Witness:

*Signatures of Partners.*

The undersigned, being the Agent above mentioned, hereby consents to act as Agent of the said partnership.

Name of Agent.

P.O. address of Agent.

(Coat of Arms.)

THE MINES ACT, 1906.

Form No. 28. (See sec. 185 (9) ).

*Department of Lands, Forests and Mines.*

CERTIFICATE OF A MINING PARTNERSHIP APPOINTING A NEW AGENT IN  
PLACE OF ONE DECEASED.

The undersigned, being the majority of interest for the time being  
of the recorded members of mining partnership known as "          ," hereby appoint            of the             
of            in the            of            to be  
the agent of the said partnership in the place and stead of             
of            formerly Agent of the said part-  
nership, and now deceased.

Dated at                      this                      day of                      190                      .

**Witness:**

*Signatures of Partners.*

Coat



(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 29. (See sec. 185 (11)).

*Department of Lands, Forests and Mines.*

## TRANSFER OF A SHARE OF A PARTNER IN MINING PARTNERSHIP.

The undersigned, member of the mining partnership known as "  
 " in consideration of the sum of dollars  
 (receipt of which is hereby acknowledged) hereby transfers to  
 of the of in the county of  
 share in said mining partnership, and here-  
 by authorizes the Mining Recorder of Mining  
 Division to record the transfer thereof in the books of his office.  
 Dated at this day of 190 .  
 Witness:

*Name of Partner.**Post office address.*

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 30. (See sec. 185 (12)).

*Department of Lands, Forests and Mines.*

## DISSOLUTION OF A MINING PARTNERSHIP.

This is to certify that the mining partnership which has hereto-  
 fore existed between the undersigned, under the name of "  
 " is hereby dissolved, and the Mining Recorder  
 of Mining Division is hereby authorized to re-  
 cord the dissolution thereof in the books of his office.  
 Dated at this day of 190 .  
 Witness:

*Signatures of Partners.*

(Coat of Arms.)

## THE MINES ACT, 1906.

Form No. 31. (See sec. 186 (3).)

*Department of Lands, Forests and Mines.*AFFIDAVIT VERIFYING DOCUMENTS RELATING TO THE INCORPORATION  
OF A MINING COMPANY.

I,  
 County (or District) of of the of  
 To Wit: in the of  
 make oath and say:

1. That I am Secretary (or President, etc.) of (a)
2. That hereto annexed is a true copy of (b) incorporating (a)  
*In the case of a foreign corporation licensed under the Extra  
 Provincial Companies' Act to transact business in Ontario add the  
 following:*

3.

3. That hereto annexed is a true copy of the license issued by the Provincial Secretary of the Province of Ontario, authorizing (a) to transact business in the Province of Ontario.

Sworn before me at  
in the  
of in the  
of day of  
this  
190

*A Commissioner for taking affidavits, or  
Notary Public, or Mining Recorder.*

(a) Insert corporate name in full.

(b) State whether Letters Patent, Articles of Association or Special Act.

(Coat of Arms.)

### THE MINES ACT, 1906.

Form No. 32. (See sec. 162 (2)).

*Department of Lands, Forests and Mines.*

No.

Fee \$

*Name of place of issue and date of issue*

190 .

#### CERTIFICATE OF PERFORMANCE OF WORKING CONDITIONS. (a)

This is to certify that of , holder  
of miner's license No. (issued by Mining Recorder of  
Mining Division) license of (a) has performed all neces-  
sary mining operations on the said (a) to my satisfaction for the  
season of 190 , except as follows: (b)

*Mining Recorder.*

(a) State whether mining claim, special mining claim or working permit.

(b) State exceptions and time within which said excepted mining operations are to be performed.

Stub for Form 32.

No.

Date

Name of Licensee

Number of License

Name of mining claim

Mining operations still to be performed

### THE MINES ACT, 1906.

#### SCHEDULE OF FEES.

For a Miner's License or renewal thereof for an individual. (See secs. 85, 184) .....	\$10 00
For a Miner's License issued on or after the 1st Septem- ber, 1906, and previous to 1st April, 1907 .....	5 00
For a Miner's License or renewal thereof for a registered partnership where not more than two partners. (See secs. 85, 184) .....	10 00
8a s.	For

For a Miner's License or renewal thereof for a registered partnership where more than two but not more than five partners. (See secs. 85, 184) .....	25 00
For a Miner's License or renewal thereof for a registered partnership where more than five partners. (See secs. 85, 184) .....	40 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> does not exceed \$40,000. (See secs. 85, 184) .....	25 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$40,000, but not exceeding \$100,000. (See secs. 85, 184) .....	50 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$100,000, but not exceeding \$500,000. (See secs. 85, 184) .....	75 00
Miner's License for an incorporated Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$500,000, but not exceeding \$1,000,000. (See secs. 85, 184) .....	100 00
And for each additional \$1,000,000 or fraction thereof. (See secs. 85, 184) .....	100 00
For recording first claim applied for on a license. ( See secs. 156, 184) .....	5 00
For recording second claim applied for on a license in the same license year. (See secs. 156, 184) .....	7 50
For recording third claim applied for on a license in the same license year. (See secs. 156, 184) .....	10 00
For examining Claim Record Book, per claim. (See secs. 55, 184) .....	10
For certificate of record of claim. (See secs. 58, 184) .....	1 00
For certificate of performance of working conditions. (See secs. 162 (1), 184) .....	1 00
On filing appeal from Mining Recorder's decision. (See secs. 75, 184) .....	5 00
On filing appeal from Mining Commissioner's decision. (See secs. 43, 184) .....	10 00
For filing transfer of mining claim. (See secs. 118, 184).....	5 00
For recording endorsement on a working permit of a transfer thereof. (See secs. 151, 184) .....	5 00
For recording endorsement on a prospecting permit of a transfer thereof. (See secs. 181 (10), 184) .....	5 00
For a "Substituted Miner's License." (See secs. 93, 184)...	5 00
For recording extension of time for performing working conditions. (See secs. 72, 184) .....	1 00
For filing certificate of mining partnership or certified copy thereof. (See secs. 185 (4), 184) .....	1 00
For recording certificate of revocation of Agent and appointment of new Agent for mining partnership. (See secs. 185 (9), 184) .....	1 00
For recording transfer of share or shares in a mining partnership. (See secs. 185 (11), 184) .....	25

## CHAPTER 12.

An Act respecting certain Orders-in-Council and certain Crown Suits.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Order in  
Council of  
Aug. 14, 1905,  
withdrawing  
"Gillies  
Limit," etc.,  
from  
exploration,  
confirmed.

1. Whereas an Order of the Lieutenant-Governor in Council was passed on the 14th day of August, 1905, withdrawing from exploration for mines and minerals and from sale, lease and location, the lands known as Gillies Brothers' Timber Limit, lying on both sides of the Montreal River, in the District of Nipissing, containing one hundred square miles, more or less, and also the lakes known as Cobalt and Kerr lakes, the said Order-in-Council is hereby confirmed and declared to have been and now to be binding, and effectual for the purposes therein mentioned, notwithstanding that at or before the time of the passing of such Order-in-Council a discovery or discoveries was or were made, or was or were alleged to have been made on such lands, or any part or parts thereof, and notwithstanding that some claim or claims to the mining rights, mines or minerals therein or thereon was or were at or before such time pending; and all discoveries and claims respecting such lands and mining rights, if any, shall be dealt with by the Lieutenant-Governor in Council as he may think fit.

Order in  
Council of  
24th Jan., 1906,  
vesting certain  
lands in  
Temiskaming  
and Northern  
Ont. Ry.  
Commission,  
confirmed.

2. The Order of the Lieutenant-Governor in Council of the 24th day of January, 1906, vesting in the Temiskaming and Northern Ontario Railway Commission certain lands and lands covered with water in the District of Nipissing and therein described by metes and bounds, is hereby confirmed, and it is hereby declared that the said Order was intended to vest and did vest in the said Railway Commission as and from the passing of the *Act to authorize the construction of the Temiskaming and Northern Ontario Railway*



*Railway*, passed in the 2nd year of His Majesty's reign, chapter 9, the fee simple in the said lands and all mines and minerals being and lying in or under the said lands and all mining rights therein and thereto absolutely freed from all claims and demands of every nature whatsoever in respect of or arising from any lease or patent of any mining lands or mining location at any time granted.

3. Whenever a mining patent or a mining lease or a lease of mining rights shall by proceedings in the High Court of Justice at the instance of the Crown be repealed or avoided for any cause the lands and mining rights described in such patent or lease shall, upon and by virtue of such repeal or avoidance, be withdrawn from exploration, discovery, staking out, or sale; and every discovery and claim of every kind to the said lands or mining rights and to the mines and minerals on, in or under such lands made or existing at any time before the repeal or avoidance of such patent or lease shall thereupon be and become absolutely null and void; and such lands, mining rights, mines and minerals shall be thenceforth vested in the Crown absolutely and **completely** freed and discharged of and from every claim of any kind to such lands, mining rights, mines and minerals.

Lands and mining rights to be withdrawn from exploration on repeal of patent or lease at instance of Crown.

## CHAPTER 13.

An Act to amend the Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the Frontier in 1866.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII.,  
c. 6, s. 1  
amended.

1. Section 1 of the Act passed in the 1st year of His Majesty's reign, chaptered 6, is amended by adding at the end thereof the following words:

Withdrawing  
lands from  
reservation for  
purposes of  
Act.

"And may, from time to time, withdraw from reservation any lands so designated and not theretofore located under this Act and substitute other lands for any land so withdrawn, as may be deemed proper."

Exemption of  
townships from  
1 Edward VII.,  
c. 6, s. 8.

2. The Lieutenant-Governor in Council may, from time to time, declare that section 8 of the said Act shall not apply as to any township designated and set apart under the said Act.

1 Edw. VII.,  
c. 3, s. 11,  
repealed.

3. Section 11 of the said Act is repealed and the following substituted therefor:

Reservation of  
mines and  
minerals under  
Rev. Stat. c. 28,  
s. 15, when not  
to apply.

11. Section 15 of *The Public Lands Act* shall not apply to lands heretofore or hereafter granted to any person belonging to one of the classes described in section 2 of this Act and located by him by virtue of a certificate issued to him under this Act, but save, as aforesaid, the said section 15 shall apply to lands granted under this Act, and all lands located under this Act shall be subject to the provisions of *The Mines Act*, and to every mining lease or mining license issued thereunder prior to such location.

5 Edward VII.,  
c. 8, sec. 5,  
amended.

4. Section 5 of the Act passed in the 5th year of His Majesty's reign, chaptered 8, is amended by striking out all

the words in the fourth and fifth lines, and substituting therefor the words "and any such certificate may with the consent of the holder be redeemed by the Treasurer of the Province upon payment of \$50 to the holder thereof out of such moneys as may, from time to time, be voted by the Legislature for that purpose."

Redemption of  
land scrip by  
Provincial  
Treasurer.

5. Section 3 of said Act passed in the 1st year of His Majesty's reign, chaptered 6, as amended by section 1 of the said Act passed in the 5th year of His Majesty's reign, chaptered 8, is amended by striking out in the last line thereof the word "January" and substituting therefor the word "August."

1 Edw. VII.,  
c. 6, s. 3, amend-  
ed.

Time for filing  
claims.

6. Section 7 of said Act is hereby amended by adding the following subsections thereto:

1. Edw. VII.,  
c. 6., s. 7, amend-  
ed.

(a) If any person belonging to one of the classes of persons mentioned in section 2 of 1st Edward VII, chapter 6, and amendments thereto who is regularly located for any land under the said Act and has not parted with the same by any agreement or instrument, or the heirs, executors or administrators of such person, apply for a patent for the same before the expiry of ten years from date of location and without the performance of settlement conditions, such patent may issue, but from and after the date of said patent the land included therein shall be liable to taxation for all purposes, and the pine timber shall be reserved to the Crown.

Issue of patents  
to persons  
located within  
ten years from  
location.

(b) In case the land located exceeds an area of 160 acres in extent and the party so applying for patent has paid for the overplus at the rate per acre applicable thereto, the patent shall include such overplus and the whole of the said location shall be granted under the provisions of the said Act.

## CHAPTER 14.

## An Act to amend The Temiskaming and Northern Ontario Railway Act.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2 Edw. VII., c.  
9, s. 3, amend-  
ed.

1. Section 3 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding to sub-section 3 of the said section the following words: "But no such ratification shall be necessary of any lease made with the approval of the Lieutenant-Governor in Council of any spur or branch not exceeding ten miles in any one place."

Ratification of  
leases when  
not required.

2 Edw. VII., c.  
9, amended.

2. The said Act is further amended by inserting therein the following as section 14b:—

Disposing of  
mines and  
minerals, etc.

14b. The Commission shall be deemed to have authority, with the approval of the Lieutenant-Governor in Council, from time to time to sell, lease or otherwise deal with mines, minerals and mining rights on or under any portion or portions of the right of way or of the town sites vested or to be vested in the Commission.

2 Edw. VII.,  
c. 9, s. 8, subs.  
3, amended.

3. Sub-section 3 of section 8 of the said Act as enacted by section 3 of the Act passed in the 5th year of His Majesty's reign, Chaptered 10, is amended by striking out the word "company" in the fourth and sixth lines thereof and the words "directors of the company" in the sixth and seventh lines thereof, and substituting in lieu of said words "company" and "directors of the company" the word "Commission."



## CHAPTER 15.

An Act to provide for the Transmission of Electrical  
Power to Municipalities.*Assented to 14th May, 1906.*

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purposes hereinafter mentioned, the Lieutenant-Governor in Council may from time to time appoint a Commission to consist of three persons, two of whom may be members of the Executive Council of Ontario and one of whom shall be a member of such Executive Council, and such commission shall be a body corporate under the name of "The Hydro-Electric Power Commission of Ontario," hereinafter called "the Commission."

Appointment  
of Hydro-  
Electric Power  
Commission.

2. The Lieutenant-Governor in Council may designate one of the members of the Commission to be the Chairman thereof. Two of the members of the Commission shall form a quorum.

Chairman.  
Quorum.

3. Every person appointed to the Commission shall hold office during pleasure and the Lieutenant-Governor in Council may upon the death, resignation or removal from office of any member of the Commission appoint some other person to fill his place.

Tenure of  
office.  
Vacancies.

4. The member or members of the Commission other than any member of the Executive Council shall be paid such salary or other remuneration as may be fixed by the Lieutenant-Governor in Council out of such moneys as may be voted by the Legislature for that purpose.

Salaries.

5. The Commission may, from time to time, appoint a Chief Engineer, an Accountant, and a Secretary, and such other engineers, accountants, officers, servants and workmen as may be deemed requisite. The salaries or other remuneration

Appointment  
of officers by  
Commission.

muneration of the persons so appointed shall be payable out of such moneys as may be voted by the Legislature for that purpose.

Furnishing plans, specifications and estimates to municipal corporations, on application.

6. Any municipal corporation may apply to the Commission for the transmission to such corporation of electrical power or energy for the uses of the corporation and the inhabitants thereof, for lighting, heating and power purposes, and the Commission may thereupon furnish to such municipal corporation estimates of the cost of constructing, erecting, installing and maintaining all such buildings, works, plant, machinery, poles, wires, conduits and other structures as may be necessary for the purpose of supplying the amount of electrical power or energy required by such municipal corporation and may also furnish to such corporation plans and specifications of the works, plant, machinery and appliances necessary for the distribution of such power and energy by such municipal corporation, together with an estimate of the cost thereof. The Commission shall further furnish to such municipal corporation a statement of the terms and conditions upon which such electrical power or energy may be transmitted and supplied, together with a form of the contract to be entered into between such municipal corporation and the Commission.

Proviso.

Provided that neither the Commission nor the Province of Ontario shall incur any liability to any municipal corporation or company by reason of any error or omission in any such plans, specifications, or estimates.

Council may submit by-law to electors.

7. The council of such municipal corporation may submit to the electors of the municipality in the manner prescribed in *The Consolidated Municipal Act, 1903*, a by-law authorizing the municipal corporation to enter into such contract and in case such by-law receives the assent of the majority of the electors voting thereon, such contract may be entered into and executed by the Commission and the municipal corporation, subject to the approval of the Lieutenant-Governor in Council.

Transmitting and delivering power to municipality under contract.

8. After the execution of such contract and its approval by the Lieutenant-Governor in Council the Commission may proceed to transmit and deliver to the municipal corporation electrical power or energy to the extent mentioned in such contract, and the municipal corporation may receive, use, supply and distribute such electrical power or energy upon such terms and subject to such conditions as to rates and otherwise as the Commission may from time to time prescribe.

Supplying power to railways and distributing companies.

9.—(1) The Commission may, subject to the approval of the Lieutenant-Governor in Council, enter into contracts from time to time with railway companies or distributing

ing companies for the supply of electrical power or energy for the purposes of such companies.

(2) Any net profit made by the Commission, in supplying power to a railway company or distributing company under any such contract after making due provisions for the cost of acquiring or constructing and of maintaining the works through which the power or energy is supplied to such company, shall be applied in payment of the cost of maintaining the works, if any, acquired or constructed and operated by the Commission for the purpose of transmitting electrical power or energy to municipal corporations.

Profits to be applied in reducing cost of maintenance to municipalities.

(3) The Commission may, from time to time, with the approval of the Lieutenant-Governor in Council, enter into a contract with any railway company for the use of the right of way of such railway company for the erection of towers, poles, conduits, works and other constructions necessary for transmitting electrical power or energy by the Commission.

Agreements for use of right of way of railway companies.

10. Every municipal corporation entering into a contract with the Commission as hereinbefore provided shall, for the purpose of using, distributing and supplying electrical power or energy so contracted for, have the powers, perform the duties and be subject to the like obligations as a municipal corporation constructing or acquiring works for supplying electrical power or energy under the provisions of *The Municipal Light and Heat Act* or *The Consolidated Municipal Act, 1903*. Provided that the clauses lettered (a) to (a9), both inclusive, following paragraph 4 of section 566 of *The Consolidated Municipal Act, 1903*, shall not apply to any municipal corporation receiving from the Commission and using and distributing electrical power or energy under the provisions of this Act, and it shall not be necessary for the council of any municipal corporation, before passing any by-law or issuing debentures thereunder for the purposes of this Act, to fix any price to be offered to any electric light company or gas company supplying or which has heretofore supplied electric light or gas in such municipality or to take any further or other proceedings having for their object the fixing a price to be paid by the municipal corporation for the works and plant of any such company or any part thereof, or the purchase or expropriation of such plant or any part thereof by such corporation, unless the Commission, upon application to it by any such electric light company or by the municipal corporation, shall otherwise order or direct.

Powers of municipalities.

11. The Commission may, from time to time, report to the Lieutenant-Governor in Council, designating such lands, water privileges, water powers or the lands, works, machinery and plant, or any portion thereof of any company

Report of Commission as to acquiring works, etc.

pany or person owning, or holding under lease or otherwise, or developing, operating or using any water privilege or water power, or transmitting electrical or other power or energy in the Province of Ontario which should, in the opinion of the Commission, be purchased, acquired, leased, taken or expropriated, developed, operated or used by the Commission for the purposes of this Act, or may designate what quantity of the product of any such corporation or individual developing electrical power or energy in the Province of Ontario, or purchasing such power or energy the Commission requires for the purposes of this Act.

Authority may  
be given to  
Commission.

12. The Lieutenant-Governor in Council may, from time to time, upon the recommendation of the Commission, authorize the Commission :

To acquire  
lands and  
works.

- (a) To acquire by purchase, lease or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take and use the lands, works, plant and property of any company or person owning, using and developing or operating lands, water, water privileges, or works, plant and machinery for the development of any water privilege or water power for the purpose of generating electrical power or energy or for the transmission thereof in the Province of Ontario, and to develop and supply electrical power or energy ;

Plant and  
property of  
transmission  
companies.

- (b) To acquire by purchase, lease or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take, use, and to construct, maintain and operate works, machinery, plant and appliances, lines of wires, poles, tunnels, conduits and other works for the transmission and delivery of electrical power or energy, and to conduct, store, transmit and deliver electrical power or energy, and with such lines of wires, poles, conduits, motors or other conductors or devices to conduct, convey, transmit, distribute, deliver, furnish or receive such electrical power or energy to or from any person at any place through, over, along or across any public highways, bridges, viaducts, railways, watercourses, or over or under any waters, and through, over or under the lands of any person, and to enter upon any lands upon either side of such lines or conduits, and fell or remove any trees or limbs thereof, or other obstructions, which, in the opinion of the Commission, it is necessary to fell or remove ;

(c)



- (c) To demand, order and direct the delivery to the Commission of the whole or any part of the product of the works of any company or person developing or which proposes to develop a water power or water privilege for the purpose of generating electrical power or energy in the Province of Ontario, or to enter into agreements with any such company or person for the supply of such product or any part thereof to the Commission for the purposes of this Act.

Taking power  
produced by  
companies.

13. Whenever the Lieutenant-Governor in Council shall authorize the Commission to enter into, take, use and expropriate the lands, works, plant, machinery, poles, wires and other property and appliances of any such company or person, or to take or expropriate the product of the works of any such company or person as aforesaid, or any portion thereof, the Commission shall have the powers and shall proceed in the like manner as is provided in the case of the Minister of Public Works taking lands or property for the public uses of the Province of Ontario, and the provisions of *The Public Works Act* shall, *mutatis mutandis*, apply to the Commission acting under the authority of the Lieutenant-Governor in Council in such behalf.

Application of  
Rev. Stat. c. 37,

14. The expenditure of the Commission upon any works, undertaken under the provisions of this Act, shall be payable to the Commission by the municipal corporations entering into contracts with the Commission as hereinbefore authorized.

Cost of works  
to be borne by  
municipalities.

15. In addition to the price per horse power payable by any municipal corporation under the terms of a contract entered into with the Commission (which price shall include an allowance for generating, transforming and transmission losses) every municipal corporation entering into such a contract shall annually pay to the Commission its proportion of the following charges:

Annual pay-  
ments to be  
made by  
municipalities

- (a) Interest at the rate of 4 per cent. upon the moneys expended by the Commission on capital account in the construction or purchase of the works, plant, machinery and appliances constructed or acquired by the Commission for the purpose of developing, transmitting and delivering electrical power or energy to such municipal corporation, and other municipalities, if any;

- (b) An annual sum sufficient to form in thirty years a sinking fund for the retirement of the securities issued by the Province of Ontario under this Act for the payment of the cost of the works hereinbefore mentioned;

(c)

(c) The cost of operating, maintaining, repairing, renewing and insuring the said works, plant, machinery and appliances.

Apportionment of amounts payable by municipalities.

16. The Accountant of the Commission shall annually adjust and apportion the amounts payable by municipal corporations to the Commission under the next preceding section.

Government authorized to raise funds necessary for work of commission.

17. The Lieutenant-Governor in Council may from time to time raise by way of loan on the credit of the Province of Ontario as provided by the Act passed in the fifth year of His Majesty's reign, Chapter 2, such sums as may be required for the purposes hereinbefore mentioned, and the proceeds of every such loan may be paid over to the Commission for the purposes of this Act and be audited and accounted for in the manner provided by the Statutes of this Province respecting the management of the public revenue, and public accounts.

Commission to account for monies received,—application of same.

18. All sums received by the Commission from municipal corporations, railway and other companies under this Act shall be duly accounted for by the Commission and shall be paid over to the Treasurer of the Province of Ontario, to be applied from time to time in the retirement of the securities given by the Province for any loan raised under this Act by the Lieutenant-Governor in Council.

Complaints as to rates charged by light, heat, power or gas companies, etc.

19.—(1) Upon the complaint in writing of any municipal corporation, company or person that any municipal corporation, company or person receiving power from the Commission under a contract as hereinbefore mentioned is charging for supplying electric lighting or heating or electric power or energy at a rate which is excessive or unfair, or that any municipal corporation is making use of the power conferred upon it by this Act for the purpose of granting bonuses by supplying power, light or heat below cost to manufacturers or others, the chairman of the Commission may appoint a time and place at which the Commission or some member thereof will hear and determine the matter in dispute.

Hearing of complaints.

(2) Such notice of such appointment as the chairman may direct shall be given by the secretary of the Commission to all parties concerned. At the time and place appointed the Commission, or with the consent of all parties any member of the Commission, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the municipal corporation, company or person against whom the complaint is made, and regulating and determining the rates and charges to be imposed by such municipal corporation, company or person, and directing the amendment of any by-law or agreement accordingly.

(3) The Commission or the member thereof conducting the hearing shall have the powers authorized to be conferred upon a Commissioner appointed under *The Act respecting Enquiries Concerning Public Matters*. Powers of Commission on enquiry.

(4) Any such municipal corporation, company or person neglecting or refusing to obey and carry out the order or direction of the Commission or the member thereof conducting such case shall forfeit to His Majesty for the uses of the Province the sum of \$100 for every day during which such refusal or neglect shall continue. Penalty for disobedience to order of Commission.

20. The Commission shall, whenever required by the Lieutenant-Governor in Council so to do, enquire into, examine and investigate water powers or water privileges in the Province and report to the Lieutenant-Governor in Council upon the value and capacity thereof, with such other information as the Lieutenant-Governor in Council may require. Every report of the Commission shall be laid before the Legislative Assembly at its next ensuing session. Commission to report on water powers, etc., when required.

21. No action shall be brought against the Commission or against any member thereof for anything done or omitted in the exercise of his office without the consent of the Attorney-General for Ontario. No action to be brought against Commission without consent of Attorney-General

22. The powers of expropriation conferred by this Act shall extend to lands, works, rights, powers and privileges, notwithstanding that the same are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking lands compulsorily. Extent of powers of expropriation.

## CHAPTER 16.

## An Act respecting Agricultural Societies.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.      1. This Act may be cited as *The Agricultural Societies Act*.
- Interpretation.      2. In the construction of this Act;
- Department.      (1) "Department" shall mean "The Department of Agriculture";
- Minister.      (2) "Minister" shall mean "The Minister of Agriculture for the Province of Ontario";
- Superintendent.      (3) "Superintendent" shall mean "The Superintendent of Agricultural Societies";
- Society.      (4) "Society" shall mean any agricultural society formed under this or any previous Agriculture and Arts Act.
- Societies continued.      3. All agricultural societies organized under *The Agriculture and Arts Act*, shall be continued except in so far as they may be altered or affected by this Act.
- Minister to decide questions arising under Act.      4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council.
- Inspection.      5. The Minister may appoint any person or persons to inspect the books and accounts of any society in the Province receiving Government aid, under or by virtue of this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officers of any such society, whenever required so to do, shall submit the books and accounts thereof to such inspection, and shall truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such society.



6.—(1) Subject to the provisions of the following subsection an agricultural society, hereafter, may be organized in any section of the Province. Organization.

(2) An agricultural society, hereafter, shall not be organized within 20 miles of an existing society, organized under this Act, or under any former Agriculture and Arts Act, unless the physical, or other natural conditions of the adjoining country, are such that the formation of such society will not injuriously affect the nearest adjoining society. Limitation as to distance from nearest society.

(3) An application for permission to organize a new society at a specified point that is within 20 miles of the headquarters of an existing society, shall be made in writing to the Minister, and shall set forth clearly and fully the facts of the situation, and shall be signed by at least sixty of the persons desirous of forming such society, except in judicial districts or unorganized counties, where the number shall be at least 40. Upon receipt of such application the Minister shall instruct the Superintendent to confer with, and if necessary to call a special meeting of the officers of the existing society whose headquarters are at the point nearest to the point at which it is proposed to form a new society, at which meeting said officers, by resolution, shall place themselves on record as being in favour of or opposed to the granting of said application. Should said resolution favor the granting of said application, then the Minister may, through Order-in-Council, grant permission for the formation of said society. When opposition is expressed to the granting of said application the Superintendent shall call upon the interested existing society, and upon the petitioners to appoint one arbitrator each, and said two arbitrators shall appoint a third arbitrator, and these three arbitrators, thus chosen, shall consider the granting of said application, and make a recommendation on same to the Minister. Application for permission to organize within 20 miles of another society.

(4) If either the signers of the petition or the officers of the interested existing society refuse to appoint an arbitrator, then the Minister may grant or refuse the application of the signers, as he may deem best. Arbitration.

(5) The parties concerned in all such disputes shall deposit with the Department such moneys as may be required to pay all expenses connected therewith, such payment to be made according to the decision of the arbitrators, or a majority of them. When Minister may decide.

7. The mode of organization shall be as follows:— Deposit to cover expenses.

- (a) A declaration in the form of Schedule A to this Act shall be signed by persons (residing within ten miles of the point designated as the headquarters of the society) desiring to organize a society. Mode of organization.

society under this Act. The number of such persons shall be at least 60, except in the case of societies organized in judicial districts and unorganized counties, where the number shall be at least 40.

Qualification of members.

- (b) No person shall be considered a member of any society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year.

Firms and companies may be members.

- (c) Subject to the by-laws of the society, a firm, or an incorporated company may become a member of any society incorporated under this Act by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society.

Transmitting declaration to Minister.

- (d) Within one month after the money has been so paid the said declaration, with the names and addresses of the signers of same, shall be transmitted to the Minister, who shall thereupon authorize a person to call the first meeting for the organization of the society.

First meeting.

- (e) The first meeting of the society shall be held during the third week of January next ensuing, at the point designated as the headquarters of the society, of which meeting at least two weeks' public notice shall be given by advertisement in one or more newspapers published in the district, and also by printed placards or bills posted in local places of common resort.

Quorum.

- (f) At the said first meeting, and at any subsequent meetings of any agricultural society ten members shall constitute a quorum.

Election of officers.

- (g).—(i) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, who shall be duly qualified members of the society, or who must become so within 14 days after their election, and who, together shall form the board of directors, a majority of which board shall reside within ten miles of the place designated as the headquarters of the society. At the said first meeting the society shall appoint two auditors for the ensuing year.

- (ii) On petition of any society the Minister may <sup>Directors.</sup> authorize the society to elect not more than six persons to act as directors, in addition to those already provided for.
- (iii) Societies may appoint not more than six hon- <sup>Honorary</sup> orary directors, but such directors shall not have the right to vote or take part in meetings of the board of directors.
- (h) The board of directors from among themselves or <sup>Secretary and</sup> otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure. The secretary or the secretary treasurer, by virtue of his office, shall be a member of each committee appointed, and may be given the power of managing director, acting under the control and with the approval of the board of directors.
- (i) The board of directors, from among themselves, <sup>Executive</sup> may appoint an executive committee of not more than five members, to whom it may designate such duties as it, by resolution, may specify.
- (j) A report of the organization meeting, certified <sup>Report of or-</sup> by the president, the secretary and the conven- <sup>ganization</sup> or, and containing a statement of the number <sup>meeting to be</sup> of members and a list of the officers elected <sup>sent to Depart-</sup> and appointed, shall be sent to the Department <sup>ment.</sup> within one week after the holding of the meeting.
- 8.—(a) Upon the receipt of such report the society so <sup>Society when</sup> organized shall be deemed an agricultural <sup>organized to</sup> society, within the meaning of this Act, and <sup>be deemed an</sup> shall bear the name designated in the declara- <sup>agricultural</sup> tion as the headquarters of the society, or <sup>society.</sup> by such name as may be determined by the members and approved by the Minister.
- (b) For the purpose of this Act, the headquarters of <sup>Headquarters</sup> any society organized under any previous Agri- <sup>of society.</sup> culture and Arts Act shall be the place at which the said society held its last annual exhibition, or which it has designated by by-law or resolution, at a meeting duly called for the purpose, as its headquarters or place of holding its exhibition, a certified copy of which by-law or resolution shall be forwarded to the Department and the said society shall hereafter be designated by the name of the said place, or by such name as may be determined by the members and approved by the Minister.

Objects of  
societies.

9.—(1) The objects of agricultural societies shall be to promote improvement in agriculture, horticulture, arboriculture, domestic industry, manufacturers and the useful arts;

- (a) By awarding premiums for live stock (other than grade breeding males) for agricultural or horticultural implements and machinery, for the production of grain and of all kinds of vegetables, plants, flowers, fruits, home manufactures, and generally for excellence in any agricultural or horticultural production or operation, article of manufacture or work of art.
- (b) By organizing plowing matches, holding seed fairs, spring stallion and bull shows, competitions respecting standing crops, and for the best or best managed farms.
- (c) By importing or otherwise procuring for the purpose of owning or distributing pure bred registered animals, and seeds and plants of new and of valuable kinds.
- (d) By promoting the circulation of agricultural periodicals;
- (e) By offering prizes for essays on questions of scientific inquiry relating to agriculture, horticulture, domestic industries, manufactures and the useful arts;
- (f) By taking action to eradicate poisonous and noxious insects and weeds.

Unauthorized  
expenditure to  
forfeit grant.

(2) Societies that expend any of their funds, no matter how derived, for any purpose inconsistent with those herein mentioned, shall forfeit all claim to the legislative grant.

Annual meet-  
ings.

10.—(1) The annual meetings of the several societies shall be held in the third week of January of each year, at the headquarters of the society and at the hour of one o'clock of the afternoon. At any such meeting only those who have paid their subscription for the ensuing year shall be entitled to vote.

Notice of  
meetings.

(2) At least two weeks' previous notice of any such meeting shall be given by advertisement in one or more newspapers published in the municipality or municipalities in which the society is organized, and also by printed placards or bills posted in places of common resort, or by sending the same by registered letter, mailed to the last known post office address of each member of the society in good standing, such notices to be mailed at least one week previous, and to state time and place of meeting.

(3)



(3) In case any society shall, through any cause, fail to hold its annual meeting at the time appointed, the Minister, on petition of the President and Secretary, may appoint a time for holding the same before the first day of March in the same year, the meeting to be called as for the regular annual meeting, and this meeting in all particulars shall be taken as the annual meeting of the society.

When meeting not held at appointed time.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the first day of September in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to have dissolved, but the directors elected at the last properly constituted meeting of the society prior to the said first day of September shall be deemed to be the trustees of the assets of the society until the same are disposed of by the order of the Minister.

Forfeiture of grant if meeting not held.

(5) In the case of any society being dissolved or ceasing to exist it can be re-organized only by proceeding under section 7 of this Act and in accordance with section 6.

Reorganization

(6) Upon being notified or becoming aware of the dissolution of any society under the provisions of the preceding subsections the Minister may order the directors to deliver over to the Department the assets, if any remaining after all just debts have been paid.

Surplus assets to be delivered to department on dissolution.

11. In addition to any other business the following business shall be transacted at the annual meeting:

Business at annual meeting.

- (a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount paid by each being set opposite to his name, the amount offered and also the amount awarded in prizes for each kind of live stock, agricultural products, implements, domestic products or other objects respectively, and the number of entries in each class, together with such remarks and suggestions upon the agriculture and horticulture of the district, and the arts and manufactures therein as they are enabled to offer;
- (b) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society at the end of the year, certified to by the auditors;
- (c) The officers and other directors specified in clause (g) of section 7, and to be qualified as therein provided,

Report of directors.

Statement of receipts and expenditure.

Election of officers.

provided, shall be elected by the members, and auditors shall be appointed for the ensuing year.

Reports to be recorded and filed.

12. The said reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall also be sent within one month to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as he may direct. Failure to comply with these requirements shall be sufficient to forfeit all claim, on the part of the society, to participation in the legislative grant.

By-laws and regulations.

13.—(a) The members of each society may, at an annual meeting or at a special meeting, of which two weeks' previous notice has been given by advertisement in the manner required by subsection 2 of section 10, make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have full power to act for and in behalf of the society, and all grants and other funds of the society shall be received and expended under their direction.

Special meetings.

(b) On petition of thirty members of any society, the secretary shall call a special meeting of the society for the consideration of such matters as may be set forth in the petition, the meeting to be advertised as set forth in subsection 2 of section 10, and the advertisements to set forth the nature of the business to be transacted.

Meetings of board of directors.

14. The first meeting of the board of directors of a society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to adjournment or be called by written notice given by authority of the president, or, in his absence, of the first vice-president, or in the absence or on the neglect of the president or vice-president, then on the written request of any three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum.

Societies to be bodies corporate.

15.—(1) All societies now or hereafter organized, shall be bodies corporate, with power to acquire and hold land as a site for fairs and exhibitions and, subject to the approval of a meeting of the society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such societies.

(2)

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in one or more newspapers published in the county or district and by printed placard; and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years.

Notice of meetings to consider disposition of property.

(3).—(a) If the owner of the land selected as a site for fairs and exhibitions approved of at a meeting of the society called for that purpose, refuses to sell the same or demands therefor a price deemed unreasonable by the board of directors then such owner and such board of directors shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall appraise the damages for such land.

Acquiring site, arbitration to fix price.

(b) If the directors or the owner of such land selected as a site for fairs and exhibitions, shall neglect or refuse to appoint an arbitrator, the senior county judge of the county in which the district lies may appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator as aforesaid.

Appointment of arbitrators.

(c) The arbitrators so chosen shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site for fairs and exhibitions, upon notice in writing to every such claimant or person.

Powers of arbitrators.

(d) Upon payment of the amount of damages appraised by a majority of the arbitrators appointed as aforesaid, to the owner or other persons entitled thereto by the directors, the land may be taken and used for the purposes aforesaid.

Payment of compensation.

(e) Any award for a site for fairs and exhibitions made and published under this Act, if there be no conveyance shall be deemed thereafter to be the title of the society to the land mentioned in it; and shall be a good title thereto against all persons interested in the property in any manner whatever and shall be registered in the proper registry office, on the affidavit of the secretary and treasurer or secretary-treasurer of the directors verifying the same.

Award to be title to property

(f) The parties concerned in all such disputes shall pay all the expenses incurred in them, accordingly

Expenses of arbitration.

to the award or decision of the arbitrators or a majority of them.

Consent of  
Lieutenant-  
Governor to  
arbitration  
proceedings.

(4) The provisions of the foregoing subsections shall be exercised only after consent in that behalf shall have been obtained from the Lieutenant-Governor in Council by Order in Council.

Joint owner-  
ship of fair  
grounds and  
buildings.

16. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, subject to the approval of a meeting of the society as provided in section 15.

Dissolution of  
union societies.

17. Where two or more municipalities have been united under the provisions of any former Agriculture and Arts Act to form a township society, a dissolution of such union society may be effected in the following manner: a petition requesting a dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities and shall be forwarded to the Minister, and if the number so signing is equal to the number required for the organization of a new society as in section 7, the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former union society shall thereupon become dissolved and shall cease to exist.

Disposition of  
assets on disso-  
lution.

18. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrator so appointed, or in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the Senior County Judge or the Stipendiary Magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the Senior Judge of the County or the Stipendiary Magistrate, for final decision.

Annual returns  
to department.

19.—(1) On or before the first day of March of each year, the officers of every society shall send to the Department an affidavit, sworn to before any Justice of the Peace, in the form of Schedule B, annexed to this Act, stating on forms to be provided by the Department, the exact financial transactions of the society during the previous years. This statement shall set forth plainly the number of members in good standing that belong



belong to the society. This statement shall also give the amount of moneys that were paid in prizes for horses, cattle, sheep, swine, poultry, articles of domestic manufacture, other products of the farm, orchard and garden and that were expended for such other purposes as are set forth in section 9 of this Act. If a spring stallion show, a spring bull show, or a combined spring stallion and bull show, has been held, or a spring seed fair, such statement shall set forth separately and shall show plainly the number of entries, and the amounts expended in prizes. Such moneys shall be considered as having been expended for agricultural purposes.

(2) Any society failing to send in this statement within thirty days shall forfeit all claim to a grant for the current year. Failure to send in returns.

20. Every society organized under or recognized by this Act, shall be entitled to receive a grant out of the unappropriated moneys in the hands of the Treasurer of the Province, the grant to be paid on the recommendation of the Department, and upon the following conditions: Grants of Provincial funds.

- (a) That the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in judicial districts or unorganized counties, when the number of paid up members must not be less than forty.
- (b) That all reports and returns required by this Act have been made to the satisfaction of the Minister.
- (c) That the annual meeting has been held as required and officers elected, in accordance with section 11.
- (d) That the objects of the said society, as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects.

21. An amount not exceeding \$70,000 shall be subject to division among the societies of the Province on the following basis:— Division of Provincial grant.

- (a) Societies that have owned and maintained pure bred stock, for the benefit of their members, for a period of at least nine months during the preceding year, shall receive a grant of \$50 for every registered stallion, \$20 for every registered bull, \$10 for every registered boar and \$5 for every registered ram so owned, and a special

cial membership grant of one dollar for every member of the society in good standing, up to fifty.

- (b) Societies that hold a spring stallion show, a spring bull show, or a combined spring stallion and bull show shall receive a grant equal to one half the sum expended in the holding of such show, but such sum shall not exceed fifty dollars.
- (c) Societies that hold a spring seed fair shall receive a grant equal to one half the sum expended in the holding of such fair such sum not to exceed twenty-five dollars.
- (d) Newly organized societies, the first three years of their existence, shall receive a grant each year equal to one dollar per member up to 600 members, except in the case of societies organized in judicial districts and unorganized counties where the grant shall be equal to two dollars per member.
- (e).—(i) The remainder shall be divided among the societies of the Province, other than new societies, in proportion to the amount they expended during the preceding three years, for agricultural purposes, as shown by their sworn statements, and as defined in section 19 of this Act, and there shall not be included in such expenditure moneys used for the purchase or maintenance of pure bred stock, for the holding of spring stallion shows, spring bull shows, or combined spring stallion and bull shows or for spring seed fairs.  
  
(ii) Societies in judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double their actual expenditure for agricultural purposes.
- (f) A society shall not be entitled to receive a total grant exceeding \$800.
- (g) Should it be found, within one year after the receipt, by the Department, of a society's annual statement, that an officer or officers of the society, has wilfully made false returns, with an intention to deceive, such officer or officers shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding \$100 or imprisonment in the common gaol of the county for a period not exceeding thirty days.

22.—(1) It shall not be lawful to carry on any horse-racing other than trials of speed under the control and regulation of the officers of the society during the days appointed for holding any exhibition by any society, at the place of holding the exhibition or within five miles thereof. Horse-racing prohibited.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a justice of the peace, to a fine not exceeding \$50, or imprisonment in the common gaol of the county for a period not exceeding thirty days. Penalty.

(3) In case any person is convicted under this section, the society thus proven to have permitted horse-racing shall be debarred from receiving any portion of the legislative grant in the next ensuing year. Society to forfeit grant.

23.—(1) The exhibition of any society shall be held at the point designated as the head quarters of the society. Exhibitions.

(2) Whenever the members of any society have by law or resolution fixed upon a place as the head quarters of the society, or upon any place or places for holding the exhibition or exhibitions of such society for any year or years, then the place or places so designated shall not be changed to any place within 20 miles of the head quarters of an existing society, but it may be changed to any place not within such radius upon the decision of a majority of the qualified voters as follows;— Changing headquarters of Society.

(a) A special meeting shall be called by the board of directors, or by thirty members as provided in subsection (b) of section 13, for the expressed purpose of considering the question.

(b) At least two weeks' previous notice of such meeting shall be given by advertisement as in subsection 2 of section 10.

(c) Only paid-up members for the current year who were also members in the previous year shall be qualified to vote.

(d) The meeting shall be called for ten o'clock in the forenoon, and if a poll is demanded it shall be opened at once and remain open until six o'clock, except that it may be closed by the presiding officer of the society if at any time one hour elapses without any vote being polled.

24. The exhibitions of any society shall be held at such place only as shall afford sufficient accommodation for such exhibitions. Place of exhibition to have necessary accommodation.

Power to withhold prizes when fraud shown.

25. The board of directors of any association or society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to such members or exhibitors on such fraudulent or any other entries made at any such exhibition.

#### KEEPING THE PEACE, ETC., AT EXHIBITIONS.

Appointment of constables.

26. Any Justice of the Peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is or is to be held, shall, on the request of the president or executive committee of any agricultural society, appoint as many policemen or constables as may be required, at the expense of such society, said policemen or constables to be named by such society, whose duty it shall be to protect the property of such society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society.

Interfering with officers.

27. If any person wilfully hinders or obstructs the officers or servants of any agricultural society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such society, he shall be liable to a fine of not less than \$1 nor more than \$20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days.

Prohibiting certain shows and performances, etc.

28.—(1) The officers of any such society may by their rules and regulations prohibit and prevent all kinds of theatrical or circus or acrobatic performances, exhibitions or shows, and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said society, and be subject to the penalty prescribed by the next preceding section.

Duty as to preventing improper shows.

(2) The officers of any such society shall prevent all immoral or indecent shows and all kinds of gambling and all games of chance, including wheels of fortune, dice games, pools, coin tables, draw lotteries or other illegal games at the place of holding the exhibition or fair, or within 300 yards



yards thereof, and any association or society permitting the same shall forfeit all claim to any legislative grant during the year next ensuing.

(3) The officers of any such board shall not allow any person to exhibit either publicly or to any individual any gambling device or to bring any such gambling device into the buildings or upon the grounds in or upon which the exhibition or fair is being held. Gambling devices.

(4) No person shall carry on, or assist, or aid in carrying on any kind of gambling, or any game of chance, at any agricultural, live stock, or industrial exhibition or fair, or within half a mile thereof. Gambling prohibited.

(5) It shall not be lawful to sell or to have for sale on any exhibition ground during the time of holding an exhibition any wine, beer or spirituous liquors, and any society permitting the same shall forfeit all claim to any grant during the next ensuing year. Sale of liquor on grounds prohibited.

(6) Any person violating the provisions of this section shall be liable on summary conviction to a fine of not less than \$20 besides costs, and not more than \$100 besides costs. Penalty.

(7) This section shall apply to all exhibitions held by societies coming within the above mentioned classes whether incorporated under the said Act or not. Application of section.

29.—(1) Any Dominion or Provincial constable shall have the right of free entrance to the grounds and to all the buildings on the grounds where a fair or exhibition is being held under the direction of any society or association to which this Act applies, during the time that the fair or exhibition is being held. Powers of Dominion and Provincial Constables.

(2) Any constable or other peace officer may, without warning or notice, immediately seize all devices and instruments used by any person in connection with any kind of gambling or games of chance or immoral or indecent side show, and may arrest such person without warrant and take him before the nearest magistrate having jurisdiction, there to be dealt with according to law, and every such device or instrument after the conviction of the person concerned, shall be destroyed under the direction of the magistrate before whom the case is tried. Seizing and confiscating gambling devices, etc.

#### GENERAL PROVISIONS AS TO ELECTIONS.

30. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any society to which this Act applies, shall have the right of voting at the election of officers, and on all other questions submitted to the annual meetings of such societies. Who may vote at meeting.

When votes  
may not be  
received.

**31.** No membership subscription for the ensuing year paid after the president or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, nor shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day.

Vacancies in  
offices.

**32.** Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an agricultural society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section.

Failure to  
elect.

**33.**—(1) In the event of an election of any officers of a society coming within the provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such officers should have been elected shall continue to be, and shall be deemed to be, the officers of such society until their successors are legally appointed.

Special meet-  
ings for elec-  
tions.

(2) In the event of any such non-election or illegal election, a special meeting of the members of such society shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in subsection 2 of section 10) by the president, or, in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the society or other body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such society.

#### MEETINGS OF DIRECTORS.

Special meet-  
ing of  
directors.

**34.** A special meeting of the directors of any society organized under this Act may be called by the president thereof, or, in his absence or on his neglect, by the vice-president, or, in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum.

## SECURITY BY TREASURER.

35.—(1) The treasurer of every society organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, which may be in such form as the board of directors or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duly accounting for and paying over all moneys which may come into his hands. Security by treasurer of society.

(2) It shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is re-appointed from year to year his re-appointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties under such re-appointment shall continue valid as against the parties thereto. Duty of board as to society.

(3) Where the officers of a society neglect to obtain proper security they shall become personally responsible for all funds of the society in the possession of the treasurer. Personal responsibility for loss.

## MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

36.—(1) The municipal council of any city, town, village, county or township in this Province may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality, or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act to be made to the Minister, provided always that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section shall not exceed, in the case of a city, \$3,000, in the case of a town, \$2,000, and in the case of a village, \$1,000. Grants from municipal councils.

(2) If such grant is a loan of money to enable the society to acquire lands, such municipality may hold the lands so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant be repaid to the municipality; and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid. Security for loans from municipalities.

(3)

Agreements as to use of buildings.

(3) Any of the said municipalities owning lands or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or hereafter to be formed, under the provisions of chapter 196 of the Revised Statutes of Ontario, 1897, or of any amendment that may be made thereto, or with any agricultural society for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for agricultural or industrial shows, and to give the said companies the power of renting said grounds and buildings when owned by said company to any agricultural society formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said society, and to grant to such company or society the power to collect during said show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the said company or society may deem necessary or expedient.

Special aid from Province to certain exhibitions.

37. In addition to the amount divided under section 21 of this Act, a sum not exceeding (\$5,000) five thousand dollars shall be subject to division among The Industrial Exhibition Association of Toronto; The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London, in proportion to the amount of moneys expended for agricultural purposes as set forth in section 9 of this Act, provided that not more than \$2,500 be paid to any one society, upon the following conditions:

- (a) That returns similar to those required in sections 11 and 19 have been made to the Minister;
- (b) That the provisions laid down in section 28 of this Act have been strictly adhered to or enforced in connection with the exhibition held by the society in the previous year.

Repeal of certain provisions in Rev. Stat. c. 43.

38. All sections of *The Agriculture and Arts Act* are hereby repealed, in as far as they apply to agricultural societies.

Commencement of Act.

39. This Act shall come into force on the first day of February, in the year one thousand nine hundred and seven.



## SCHEDULE "A."

(Section 7).

## DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Agricultural Societies Act*, to be called the Agricultural Society of (*designating the point that the Department will be asked to recognize as the headquarters of the society*), and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society.

Names.

\$

cts.

## SCHEDULE B.

(Section 19.)

## AFFIDAVIT AS TO MEMBERSHIP AND PAYMENTS FOR AGRICULTURAL PURPOSES.

I, \_\_\_\_\_ of \_\_\_\_\_ treasurer of the \_\_\_\_\_ Agricultural Society, make oath and say that during the year ending 31st day of December, 19\_\_\_\_, the said Agricultural Society expended the sum of \_\_\_\_\_ dollars, solely for agricultural purposes, as set forth in the audited financial statement of the society, and,

That the number of members of the said society for the present year is \_\_\_\_\_.

Sworn before me this \_\_\_\_\_

day

of \_\_\_\_\_

19 \_\_\_\_

Treasurer.

Justice of the Peace for  
the County of \_\_\_\_\_

or a Commissioner in H.C.J.

## CHAPTER 17.

## An Act respecting Agricultural Associations.

*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Agricultural Associations Act*.

"Association."

2. The word "Association" in this Act shall mean any one of the organizations referred to in section 3.

"Minister."

The word "Minister" in this Act shall mean the Minister of Agriculture.

Certain bodies  
declared to be  
corporations.

3. The following Associations, Societies and Organizations shall be or continue to be bodies corporate under the provisions of this Act:—

The Fruit Growers' Association of Ontario.  
 The Entomological Society of Ontario.  
 The Dairymen's Association of Eastern Ontario.  
 The Dairymen's Association of Western Ontario.  
 The Western Ontario Poultry Association.  
 The Eastern Ontario Poultry Association.  
 The Ontario Bee-keepers' Association.  
 The Ontario Agricultural and Experimental Union.  
 The Dominion Sheep Breeders' Association.  
 The Dominion Swine Breeders' Association.  
 The Dominion Cattle Breeders' Association.  
 The Canadian Horsemen's Association.  
 The Ontario Horse Breeders' Association.  
 The Ontario Vegetable Growers' Association.

(a) The name of the Canadian Horse Breeders' Association, incorporated under *The Agriculture and Arts Act*, is hereby changed to that of The Canadian Horsemen's Association.

4. The membership of each Association shall consist of <sup>Membership.</sup> annual subscribers, and the membership fee shall be decided by by-law.

5. Each of such Associations shall have a constitution and <sup>Constitution and by-laws.</sup> by-laws under which the Association shall be conducted, and the constitution and by-laws must be approved by the Minister, and any change, alteration or repeal of the same must be submitted to and approved by the Minister before it shall have force or effect.

6. Each Association shall hold an annual meeting at such <sup>Annual meeting.</sup> time and place as may be determined by by-law.

7. Each Association at its annual meeting shall elect a <sup>Election of directors.</sup> Board of Directors, the number of directors, their representation of certain districts or classes of members, and their mode of selection being determined by by-law.

8. The members may elect as director a person not a <sup>Director need not be member of association.</sup> member of the Association, but the person so elected must, within ten days, become a member, and he shall be entitled to act as director only after he has become a member of the Association.

9. At each annual meeting the retiring officers shall present <sup>Statements at annual meeting.</sup> a full report of their proceedings, and of the proceedings of the Association, and a detailed statement of the receipts and expenditure for the previous year, and of the assets and liabilities, duly audited; a copy of the said report, a statement of the receipts and expenditure, a statement of the assets and liabilities, a list of the members and a list of the officers elected, and also such general information on matters of special interest to each Association that such Association has been able to obtain, shall be sent to the Minister within forty days after the holding of such annual meeting.

10. The directors shall, from among themselves, elect a <sup>President and vice-president.</sup> President and one or more Vice-Presidents.

The directors shall, from among themselves or otherwise, elect a Secretary and a Treasurer, or a Secretary-Treasurer.

11. The directors shall have full power to act for and on <sup>Powers of officers.</sup> behalf of the Association, and all grants of money and other funds of the Association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the Association.

## AUDIT OF ACCOUNTS.

Auditing of  
accounts.

12. The Minister may appoint a person who shall audit the accounts of any of the Associations to which this Act applies, and such auditor shall present a report of the result of his audit to the officers of the Association and also to the Minister.

## GENERAL PROVISIONS AS TO ELECTIONS.

Right of  
voting.

13. The members of any Association may by by-law provide that only those members who have paid their subscriptions at least one week in advance of the annual meeting shall be qualified to vote at the annual meeting for the election of directors.

Vacancies in  
offices.

14. Except as otherwise provided, a vacancy occurring by the death or resignation, or failure to qualify as member, of any officer or director may be filled by the remaining officers of the Association; and it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if, for any reason, a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section.

Directors to  
continue until  
successors  
lawfully  
elected.

15.—(1) In the event of an election of any directors of any Association being held at the time or place directed by by-law or being for any reason illegal and void, then the persons in office at the time when such officers or directors should have been elected shall continue to be, and shall be deemed to be, the officers of such Association until their successors are legally appointed.

(2) In the event of any such non-election or illegal election, a special meeting of the members of such Association shall be called as soon as practicable for the election of such directors; such meeting to be called (in the manner provided in sub-section 2 of section 10) by the president, or, in his absence or on his neglect, by the vice-president, or in the absence or on the neglect of the president and vice-president, then by any three members of the Association; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such Association.



## MEETINGS OF DIRECTORS.

16. A special meeting of the directors of any Association organized under this Act may be called by the president thereof, or, in his absence or on his neglect, by the vice-president, or, in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum. 58 V., c. 11, s. 40.

## SECURITY BY TREASURER.

17.—(1) The Treasurer of every Association organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties, or otherwise, as the board of directors or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duly accounting for and paying over all moneys which may come into his hands.

(2) It shall be the duty of every such board in each and every year to inquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is re-appointed from year to year his re-appointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the society for the faithful performance of his duties under such re-appointment shall continue valid as against the parties thereto. 58 V., c. 11, s. 41.

18. Each of the said Associations shall be entitled to receive from unappropriated moneys in the hand of the Treasurer of the Province a specified sum to be placed in the estimates and voted by the Legislature for each year on the following conditions:

(a) That the number of *bona fide* members is at least fifty.

(b) That the secretary of each of the said Associations shall, on or before the 1st day of September in each year, transmit to the Minister an affidavit, which may be sworn to before any Justice of the Peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions.

(c) That the general provisions of this Act applying to such Associations have been complied with.

(d)

(d) That none of the funds of the Association, from whatever source derived, have been expended in a manner inconsistent with the purposes of organization of the said Association.

Forfeiture of powers for non-user.

19. If an Association ceases for twelve consecutive months to do business as required by this Act and by its constitution, by-laws and rules, or if the Minister is satisfied, after an enquiry at which the Association was given due notice to appear, that the business of the Association is not being properly conducted, the Minister may declare the corporate powers of the Association forfeited

#### WINTER FAIRS.

Winter fairs incorporated.

20. The Ontario Provincial Winter Fair and the Eastern Ontario Live Stock and Poultry Show shall be corporate bodies under this Act, and the Lieutenant-Governor in Council may provide that the sections of this Act as far as practicable shall apply to these bodies, and may prescribe such Constitution, rules and regulations as are deemed necessary.

#### INCORPORATION OF OTHER ASSOCIATIONS.

Admission of other societies.

21. Upon the petition of any Association not subject to the provision of this Act, but formed for the purpose of advancing the interests of any branch of Agriculture, being presented to the Lieutenant-Governor in Council, the Lieutenant-Governor may, by Order-in-Council declare that the sections of this Act shall apply to the Association or Society so petitioning, and thereafter the said sections shall apply to such Association or Society in the same manner and to the same extent as if it had been incorporated under this Act, and every such Order-in-Council shall be published in "The Ontario Gazette" for two weeks following the date of the passing of such Order in-Council.

#### ADVISORY BOARD.

Advisory board for live stock.

22.—(a) An Advisory Board for Live Stock may be formed to advise the Minister regarding matters of interest to the live stock industry. The Lieutenant-Governor may by Order-in-Council direct how the Board shall be constituted and may prescribe the duties and powers of the Board.

Allowance for expenses.

(b) Members of the Advisory Board shall receive an allowance for time attending meetings of the Board, or a Committee of the Board; also the necessary travelling expenses in attending such meetings.

## FARMERS' AND WOMEN'S INSTITUTES.

23—(a) The formation of Farmers' Institutes and of Women's Institutes for the purpose of disseminating information in regard to agriculture, and of improving domestic life shall be permitted under this Act. Farmers' and Women's Institutes.

(b) The Lieutenant-Governor in Council may, upon recommendation of the Minister, make rules and regulations providing for the number and location of the Farmers' Institutes and Women's Institutes, for the general guidance and direction of the same, and fixing the grants and conditions upon which the grants are to be paid.

24. All the sections of *The Agriculture and Arts Act* having reference to the Associations mentioned in section 3 of this Act and also to Farmers' Institutes are hereby repealed. Repeal of inconsistent enactments.

## CHAPTER 18.

## An Act respecting Horticultural Societies.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      1. This Act may be cited as *The Horticultural Societies Act*.
- Interpretation.      2. In the construction of this Act
- “Department.”      (a) “Department” shall mean The Department of Agriculture.
- “Minister.”      (b) “Minister” shall mean the Minister of Agriculture for the Province of Ontario.
- “Superintendent.”      (c) “Superintendent” shall mean the Superintendent of Horticultural Societies.
- “Society.”      (d) “Society” shall mean any Horticultural Society organized under this Act or under any former Agriculture and Arts Act.
- Societies continued.      3. All horticultural societies organized under *The Agriculture and Arts Act* shall be continued, except in so far as they may be affected by this Act.
- Minister to decide disputes.      4. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final except that an appeal therefrom may be made to the Lieutenant-Governor in Council.
- Inspection of books and accounts.      5. The Minister may appoint any person or persons to inspect the books and accounts of any society receiving Government aid, under or by virtue of this Act, and may empower such person or persons to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officials of any such society whenever required to do so shall



shall submit the books and accounts thereof to such inspection, and shall truly, to the best of their knowledge, answer all questions put to them in relation thereto, or to the funds of such society.

#### ORGANIZATION.

6. A horticultural society may be hereafter organized in any city, town or incorporated village. Organization.

7. The mode of organization shall be as follows:

Declaration of  
Membership.

(a) A declaration, in the form of Schedule "A" to this Act, shall be signed by those persons (residents of the municipality in which the society is organized) desiring to organize a society under this Act. In the case of a city having a population of 30,000 or over the number of such persons shall be at least 125; in the case of a city with a population of less than 30,000 the number shall be at least 75. Societies organized in towns having a population of 2,000 or over, shall have at least 60 members, and in the case of an incorporated village the number shall be at least 50.

(b) No person shall be considered a member of any Horticultural Society for any year unless he shall have paid at least one dollar into the funds of that society as membership fee for that year. Qualification of  
members.

(c) Subject to the by-laws of the society, a firm or an incorporated company may become a member of any society, organized under this Act, or any former *Agriculture and Arts Act*, by the payment of the regular fee, but the name of one person only, in any one year, shall be entered as the representative or agent of any firm or company, and that person only shall exercise the privileges of membership in the society or organization. Firms and  
companies.

(d) Within one month after the money has been so paid the said declaration, with the names and addresses of the signers of same, shall be transmitted to the Minister, who shall thereupon instruct the Superintendent to authorize a person to call the first meeting for the organization of the society. Calling first  
meeting.

(e) The first meeting of the society shall be held during the second week in January next ensuing, of which meeting at least two weeks' public notice shall be given by advertising in one or more newspapers published in the district. When meeting  
to be held.

(f)

Quorum.

(f) At the said first meeting, and at any subsequent meetings of any horticultural society, ten members shall constitute a quorum.

Election of first officers.

(g) At the said first meeting there shall be elected a president, a first vice-president, a second vice-president, and not more than nine other directors, all of whom must be members of the society, in good standing, or who must become so within fourteen days after their election, who, together shall form the board of directors, a majority of which board shall reside in the municipality in which the society is organized. At the said first meeting the society shall appoint two auditors for the ensuing year.

Secretary-Treasurer.

(h) The board of directors, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure. The secretary or the secretary-treasurer, by virtue of his office, shall be a member of each committee appointed and may be given the power of managing director, acting under the control, and with the approval of the board of directors.

Report of first meeting.

(i) A report of the organization meeting, certified by the president, a first vice-president, a second vice-president, the secretary and the convener, and containing a statement of the number of members and a list of the officers elected and appointed, shall be sent to the Department within one week after the holding of the meeting.

Receipt of report to complete organization.

8. Upon the receipt of such report the society so organized shall be deemed a horticultural society, and each society so organized shall be entitled to participate in the legislative grant hereinafter provided, and to enjoy all the privileges granted by this Act.

Objects of societies.

9.—(1) The objects of horticultural societies shall be to encourage improvement in horticulture.

(a) By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved horticulture

(b) By holding exhibitions and awarding premiums for the production of vegetables, plants, flowers, fruits, trees and shrubs.

(c) By the distribution of seeds, plants, bulbs, flowers, shrubs and trees in ways calculated to create an interest in horticulture.

(d)

(d) By promoting the circulation of horticultural periodicals.

(e) By encouraging the improvement of home and public grounds, by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art and public beauty.

(f) By offering prizes for essays on questions relating to horticulture.

(g) By importing and otherwise procuring and distributing seeds, plants, shrubs, and trees of new and of valuable kinds.

(2) A society shall not expend more than one-third of its total receipts in any one of the lines of work mentioned. Expenditure on work.  
No society shall hold an exhibition, or offer premiums, in connection with the exhibition of any agricultural society or societies.

(3) None of the funds of any such society, however derived, shall be expended for any purpose inconsistent with those mentioned. Funds not to be expended in. Societies violating any of the provisions of this and the preceding subsection shall forfeit all claim to the Government grant.

10.—(1) The annual meetings of societies shall be held during the third week in January of each year at such time and place, as the board of directors may determine. Annual meetings. At any such meeting those members only who have paid their subscriptions for the ensuing year shall be entitled to vote.

(2) At least two weeks' previous notice of any such meeting shall be given by advertisement in one or more newspapers published in the municipality, and also, by printed placards or bills posted in places of common resort, or by sending the same by registered letter mailed to the last known post office address of each member of the society in good standing; such notices to be mailed at least one week previous, and to state time and place of meeting. Notice of meetings.

(3) In case any society shall, through any cause, fail to hold its annual meeting during the third week in January, the Minister, on petition of twenty members, may appoint a time for holding the same before the first day of April in the same year, the meeting to be called as for the regular annual meeting, and this meeting in all particulars shall be taken as the annual meeting of the society. Failure to hold meeting at regular time.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of the members on the first day of May in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to have Dissolution of society, if meeting not held.

have been dissolved, but the directors elected at the last properly constituted meeting of the society, prior to the said first day of May, shall be trustees of the assets of the society until the same are disposed of by order of the Minister.

Delivery over  
of assets to  
department on  
dissolution.

(5) Upon being notified or becoming aware of the dissolution of any society under the provisions of the preceding subsection, the Superintendent may order the directors to deliver over to the Department the assets, if any, remaining after all just debts have been paid.

Annual report.

11.—(a) The board of directors shall present at such meeting a report of their proceedings for the past calendar year, in which shall be stated the names of all the members of the society, the amount of money expended in each of the lines of work open to horticultural societies, as outlined in section 9 of this Act. When an exhibition or exhibitions have been held and premiums awarded the report shall show the total amount offered in prizes at each, the amount paid in prizes, and the number of entries.

Detailed state-  
ment of  
accounts.

(b) The board of directors shall present a detailed statement of the receipts and expenditures for the preceding year, also a statement of the assets and liabilities of the society, at the end of the year, certified to by the auditors.

Election of  
officers.

(c) The officers and other directors specified in clause (f) of section 7, and to be qualified as therein provided, shall be elected by the members, and auditors shall be appointed for the ensuing year.

Reports to be  
placed on  
record.

12. The said reports shall, if approved by the meeting, be placed on permanent record in the books of the society, and shall be sent within one month to the Department, and the Minister may require all such reports to be made out on schedules to be supplied by the Department in such form as he may direct. Failure on the part of the society to comply with these requirements shall be sufficient to forfeit all claim to participation in the legislative grant.

By-laws.

13. The members of each society may, at any annual meeting, or at a special meeting, of which two weeks' previous notice has been given in the manner required by subsection 2 of section 10, make, alter and repeal by-laws and regulations for the general management of the society; subject to these by-laws and regulations, the board of directors shall have power to act for and in behalf of the society, and all grants and other funds of the society shall be received and expended under their direction.



14. The first meeting of the board of directors of a society may be held on the day of the annual meeting, and the subsequent meetings may be held pursuant to adjournment, or be called by written notice given by authority of the president, or in his absence of the first vice-president, or in the absence or neglect of the president, or vice-president, then on the written notice of three of the directors, at least one week before the day appointed, and at any meeting five shall be a quorum.

Meetings of  
Directors.

15. Where two or more municipalities have been united under the provisions of any former Act, to form a horticultural society, a dissolution of such union society may be effected in the following manner: A petition requesting the dissolution and the organization of new societies shall be signed by a majority of the members residing in any one of the municipalities, and shall be forwarded to the Minister, and if the number so signing is equal to the number required for the organization of a new society as in section 7, the Minister shall direct that new societies shall be organized in the manner prescribed in section 7, and the former union society shall thereupon become dissolved and shall cease to exist.

Dissolution of  
Union societies.

16. On the dissolution of a union society the assets of the said society shall be equitably apportioned or divided by arbitrators, or a majority of them, one to be appointed by the board of directors of each of the new societies, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such arbitrator within ten days after being appointed, then the senior county judge or the stipendiary magistrate having jurisdiction in the district shall appoint such arbitrator. In case of disagreement the matter shall be referred to the senior judge of the county or the stipendiary magistrate for final decision.

Distribution of  
assets on  
dissolution.

17.—(a) On or before the first day of May, of each year, the officers of every society shall send to the Department an affidavit, that may be sworn to before any justice of the peace, in the form of Schedule "B" annexed to this Act, stating, on forms to be provided by the Department, the exact financial transactions of the society during the previous year. This statement shall set forth plainly the number of members in good standing that belong to the society, the amounts paid in prizes for horticultural productions, and the amounts expended for each of the purposes defined in section 9 of this Act. This statement also shall set forth the amounts expended for officers' salaries and expenses and for the defrayment

Annual state-  
ments to be  
furnished to  
department.

ment of all other expenses legitimately incurred by the society in its work. Such moneys shall be considered as having been expended for horticultural purposes.

Penalty for making false returns.

- (b) Should it be found, within one year after the receipt by the Department of a society's annual statement, that an officer or officers of the society has wilfully made false returns with an intention to deceive, such officer or officers shall be liable upon summary conviction before a justice of the peace, to a fine not exceeding \$100 or less than \$20, or imprisonment in the common gaol of the county for a period not exceeding six months or less than two weeks.

Grant out of Provincial funds.

18. Every horticultural society organized under or recognized by this Act shall be entitled to receive a grant out of the unappropriated moneys in the hands of the Treasurer of the Province, the grant to be paid on the recommendation of the Superintendent, and on the following conditions:

- (a) That the number of paid-up members for the current year is not less than the number required for organization.
- (b) That all reports and returns required by this Act have been made to the satisfaction of the Superintendent.
- (c) That the annual meeting has been held as required, and officers elected, in accordance with section 11.
- (d) That the objects of the said society, as given in section 9, have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with these objects.

Provincial fund in aid of societies.

19. An amount not exceeding \$8,000 shall be subject to division among the Horticultural Societies of the Province as follows:

- (a) \$2,400 shall be subject to division among all the societies in proportion to the total number of members of each society in the preceding year.
- (b) \$4,800 shall be subject to division among all the societies in proportion to the total amount expended by each society during the preceding year for horticultural purposes, as shown by their sworn statement provided for in section 17.

- (c) In addition to the above, \$800 shall be subject to division among the Horticultural Societies in cities having a population of 30,000 or over, in proportion to the number of members in the current year, as shown by sworn statement provided for in section 17.

20. The exhibitions of any society shall be held within the limits of the municipality in which the society is organized, and shall be held at such place as shall afford sufficient accommodation for such exhibitions. Exhibitions.

21. The board of directors of any society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any horticultural product in competition for prizes at any exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges to any members or exhibitors on such fraudulent, or any other entries made at any such exhibition. Fraud in obtaining prizes.

22. Any justice of the peace having jurisdiction in any city, town or village, wherein an exhibition is held, shall on request of the president or executive committee of any horticultural society, appoint as many policemen or constables as may be required at the expense of the said society, whose duty it shall be to protect the property of such society, and to eject all persons who may be improperly within the grounds, or on the premises, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such society. Appointment of constables.

23. If any person wilfully hinders or obstructs the officers or servants of any horticultural society in the execution of their duty, or gains admittance to the exhibitions of such society contrary to the rules of such society, he shall be liable to a fine of not less than \$1 and not more than \$20, such fine to be enforced and collected as fines are usually collected, and to be paid over to such society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than 30 days. Interference with officers.

24. All persons, not under eighteen years of age, who have paid the membership subscription for the year then ensuing to any society to which this Act applies, shall have the right of voting at the election of officers, and on all other questions submitted to the annual meetings of such societies. Right to vote at meeting

Subscriptions  
paid after poll  
opens.

25. No membership subscription for the ensuing year paid at the annual meeting after the president or presiding officer has declared the poll open for the election of officers, shall entitle any person to vote for such officers.

Vacancies in  
office.

26. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of a horticultural society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section.

Illegal elec-  
tion.

27.—(1) In the event of an election of any officers of a society not being held at the time or place herein directed, or being for any reason illegal or void, then the persons in office at the time when such officials should have been elected shall continue to be, and shall be deemed to be, the officers of such society, until their successors are legally appointed.

Special meet-  
ing for election.

(2) In the event of any such nonelection, or illegal election, a special meeting of the members of such society shall be called, as soon as practicable for the election of such officers, such meeting to be called (in the manner provided in subsection 2 of section 10) by the president, or in his absence or on his neglect by the vice-president, or in the absence or on the neglect of the president and vice-president, then by three members of the society, and at such meeting the election of officers shall take place and the persons elected shall henceforth, until their successors are appointed, be and be deemed to be the officers of such society.

Special meet-  
ing of directors.

28. A special meeting of the directors of any society organized under this Act may be called by the president thereof, or in his absence or in his neglect by the vice-president, or in the absence or on the neglect of the president or vice-president, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the directors of any such body shall be a quorum.

Treasurer to  
give security.

29.—(1) The treasurer of every society organized under this Act before entering upon the duties of his office, shall give such security either by joint or several covenant with one or more sureties, or otherwise, as the Board of  
Directors



Directors, or other managing officers may deem necessary, for the faithful performance of his duties, and especially for the duly accounting for and paying over of all moneys that may come into his hands.

(2) It shall be the duty of every such board in each and every year to enquire into the sufficiency of the security given by such treasurer and report thereon; and where the same treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuance of the former appointment, and any such bond or security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

Board to see that security given.

(3) When the officers of a society neglect to obtain proper security they shall become personally responsible for all funds of the society in the hands of the treasurer.

Personal responsibility of officers.

30. The municipal council of any city, town or village, county or township of this Province, may grant or loan money in aid of any horticultural society formed within the limits of the municipality, when such society has made the returns required by this Act to be made to the Minister.

Municipal grants in aid of society.

31. All sections of *The Agriculture and Arts Act* referring to Horticultural Societies are hereby repealed.

Repeal of inconsistent enactments.

32. This Act shall come into force on the first day of February one thousand nine hundred and seven.

Commencement of Act.

## SCHEDULE "A."

(Section 7).

### DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a society, under the provisions of *The Horticultural Societies Act*, to be called the Horticultural Society of (*naming the point that will be the headquarters of the society*); and we hereby severally agree to pay to the treasurer the sums opposite our respective names; and we further agree to conform to the by-laws and rules of the said society:

11 s. Names.

\$ cts.  
SCHEDULE

## SCHEDULE "B."

(Section 17).

AFFIDAVIT AS TO THE RECEIPTS AND EXPENDITURES OF THE (*insert name of society*) HORTICULTURAL SOCIETY.

County of

To wit:

I, A. B., of the (*village town or city*) of \_\_\_\_\_ treasurer of the \_\_\_\_\_ Horticultural Society, make oath and say, that the total cash receipts of the society for the year ending \_\_\_\_\_ were \$ \_\_\_\_\_, including \$ \_\_\_\_\_ paid in by members for their annual membership dues, and that the total expenditures of the society for "horticultural purposes" as defined in the *Horticultural Societies Act*, and as set forth in the returns of the society for the year, as made by the officers to the Department, were \$ \_\_\_\_\_.

That the number of the members of the said society is \_\_\_\_\_  
Sworn before me

this

day of

A. D. 19 \_\_\_\_\_

(Signature)

Justice of the Peace for the

County of \_\_\_\_\_

or Commissioner in H.C.J.

## CHAPTER 19.

## The Statute Law Amendment Act, 1906.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Part III of *The Ontario Voters' Lists Act* is suspended for two years from the passing of this Act, unless during the said two years it is otherwise ordered by the Lieutenant-Governor in Council. Rev. Stat., c. 7, Part III. suspended for two years.

(2) Until a new voters' list has been prepared and certified under this or some other Act of the Legislature of this Province, the voters' lists last prepared under the said Part III. which have been duly certified shall in any election to the Legislative Assembly be the voters' lists for the polling subdivisions to which such voters' lists are applicable.

2. Subsection 2 of section 61 of *The Ontario Election Act* is amended by adding to the list of polling places in municipalities in the said subsection set out the following polling place "Turbine Village, Drury Township," and by adding to the list of polling places in unorganized territory the following: "Espanola Village, Creighton Mine, in the Township of Creighton." Rev. Stat., c. 9, s. 61, sub-s. 2 amended. Polling places in Algoma District.

3. Section 32 of *The Ontario Controverted Elections Act* is amended by striking out the words "and Common Pleas Divisions" in the 7th line of the said section, and substituting therefor the words "Common Pleas and Exchequer Divisions." Rev. Stat., c. 11, s. 32 amended.

4. Section 36 of the said Act is amended by striking out the words "and Common Pleas Divisions" in the 6th and 7th lines of the said section and substituting therefor the words "Common Pleas and Exchequer Divisions." Rev. Stat., c. 11, s. 36 amended.

Rev. Stat., c. 12,  
s. 10, subs. 2,  
amended.

5. Subsection 2 of section 10 of *The Act respecting the Legislative Assembly* is amended by inserting after the word "Province" in the sixth line of the said section the words "and such building or work has not been let by tender to the lowest bidder."

Rev. Stat.,  
c. 51, s. 161,  
amended.

6. Section 161 of *The Judicature Act* is hereby amended by adding at the end thereof the following words:—

Investment of  
funds in court  
in Provincial  
securities.

Provided that the Lieutenant-Governor in Council may direct that such monies as may be available for investment or any portion thereof shall be invested in securities issued by the Province of Ontario, or in securities guaranteed by the Province of Ontario, to such extent and in such manner as the Lieutenant-Governor in Council may direct.

Rev. Stat.,  
c. 51, s. 165  
amended.

7. Section 165 of *The Judicature Act* is amended by inserting after the word "inspect" in the fourth line of the said section the words "the offices of the Master in Ordinary and the other officers of the Supreme Court and of the High Court at Toronto and."

Rev. Stat.,  
c. 15, s. 21  
amended.

8. Section 21 of *The Ontario Public Service Act* is amended by adding at the end thereof the following words:

Payment for  
special services  
rendered by  
officers and  
clerks in public  
service.

"But nothing in this Act contained shall be deemed to prohibit the payment of remuneration for special services rendered or performed by any such officer or clerk at the request of the Lieutenant-Governor in Council, or heretofore performed by any such officer or clerk or any employee at the request of a member of the Executive Council, in addition to the ordinary duties of such officer or clerk."

3 Edw. VII.,  
c. 2, s. 2, subs. 1,  
amended.

9. Subsection 1 of section 2 of *The Algoma Land Tax Amendment Act, 1903*, as amended by section 72 of *The Statute Law Amendment Act, 1904*, and further amended by the first section of *The Algoma Land Tax Amendment Act, 1905*, is amended by striking out the figures "1905" in the seventh line and substituting therefor the figures "1906."

Rev. Stat., c. 23,  
s. 2 amended.  
Salary of  
auditor.

10.—(1) Section 2 of *The Act to provide for the better Auditing of the Public Accounts of the Province* is amended by striking out the figures "\$2,400" in the last line and substituting therefor the figures "\$3,000."

Rev. Stat., c. 23,  
s. 2, amended.

(2) The said section 2 is further amended by adding thereto the following subsection:

(2) Whenever the Legislative Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates of expenditure, the Lieutenant-Governor in Council may authorize the payment of any items of expenditure so concurred in.



11.—(1) Section 2 of *The Succession Duty Act* as amended by the Act passed in the fifth year of His Majesty's reign, Chaptered 6, section 3, is amended by inserting after the word "fees" in the third line of subsection 4, clause (d), the words "or for solicitor's fees" and adding to the end of such clause the words, "The term 'surrogate fees' in this clause shall not include solicitor's fees." This amendment shall be deemed to be declaratory of the law since the passing of the Act in the first year of His Majesty's reign, Chaptered 8.

Rev. Stat.,  
c. 24, s. 2,  
subs. 4  
amended.

(2) Subsection 2 of section 5 of *The Succession Duty Act* is repealed.

Rev. Stat., c. 24,  
s. 5, subs. 2  
repealed.

(3) Subsection 3 of section 5 of the said *Succession Duty Act* is amended by inserting after the word "duty" in the third line and the word "duty" in the eleventh line the words "if any."

Rev. Stat., c. 24,  
s. 5, subs. 3  
amended.

(4) Section 6 of the said *Succession Duty Act* is amended by inserting the words "or city" after the word "county" in the sixth line thereof.

Rev. Stat.,  
c. 24, s. 6  
amended.

(5) Section 7 of the said Act is amended by striking out all the words after the word "matters" in the fifteenth line and adding to the said section the words following:—

Rev. Stat.,  
c. 24, s. 7  
amended.

"The sheriff shall be paid by the Treasurer of the Province the following fees for services performed under this Act:—

Payment to  
sheriff for  
services under  
Act.

"One dollar for every hour up to five hours;

"Two dollars for every hour in important or difficult cases;

"In no case to exceed \$10 per diem;

"His actual and necessary travelling expenses."

(6) Section 8 of *The Succession Duty Act* as amended by the Act passed in the second session of the sixty-second year of the reign of Her late Majesty, Queen Victoria, Chapter 9, section 14, and as further amended by the Act passed in the first year of the reign of His Majesty King Edward VII, Chapter 8, section 7, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 24, s. 8,  
amended.

8. Where the Provincial Treasurer, his solicitor or agent, and the other parties interested do not agree thereon, the Surrogate Registrar shall fix and settle the debts, encumbrances and other allowances and exemptions within the meaning of this Act, and shall also assess and fix the cash value at the date of death of the deceased of all estates, interests, annuities and life estates or terms of years growing out of such estate, and the duty to which the same is liable, and shall immediately give notice thereof, by registered

Duty of Surrogate Registrar as to fixing certain values and duties payable thereon.

letter,

letter, to such parties as by the rules of the High Court would be entitled to notice in respect of like interests in an analogous proceeding; and the Surrogate Registrar may appoint for the purpose of this Act a guardian for infants who have no guardians; and the value of every future or contingent or limited estate, income or interest in respect of which the duty is payable under this Act shall, for the purposes of this Act be determined by the rule, method and standards of mortality and of value, which are employed by the Provincial Inspector of Insurance in ascertaining the value of policies of life insurance and annuities for the determination of the liabilities of life insurance companies, save that the rate of interest to be taken for all purposes of computations under this section shall be four per cent. per annum; and the Inspector of Insurance shall, on the application of any Surrogate Registrar, determine the value of such future or contingent or limited estate, income or interest, upon the facts contained in such application, and certify the same to the Surrogate Registrar, and his certificate shall be conclusive as to the matters dealt with therein.

Rev. Stat., c. 24,  
s. 9 repealed.

(7) Section 9 of the said Act is repealed and the following substituted:—

Appeal from  
report of sheriff  
or assessment  
of surrogate  
registrar.

9. Any person dissatisfied with the report of the sheriff or the assessment of the Surrogate Registrar may appeal therefrom to the Surrogate Judge of the county within thirty days after the making and filing of such report or the mailing of notice of such assessment, as the case may be, and upon such appeal the said Judge shall have jurisdiction to determine all questions of valuation and of the liability of the appraised estate or any part thereof for such duty and the decision of the Surrogate Judge shall be final, unless the property or the debts and other allowances and exemptions in respect of which such appeal is taken shall exceed in value or amount the sum of \$10,000, when a further appeal shall lie from the decision of the Surrogate Judge to a Judge of the High Court, and from such Judge of the High Court to the Court of Appeal, whose decision shall be final.

Rev. Stat., c. 24,  
s. 12, subs. 1  
amended.

(8) Subsection 1 of section 12 of the said Act as amended by the Act passed in the first year of His Majesty's reign, Chaptered 8, is amended by striking out the word "six" in the sixth line and inserting the word "five."

(9) Section 21 of the said Act is amended by inserting after the word "courts" in the second line the words "and solicitors practising therein." Rev. Stat., c. 241, s. 21 amended.

12.—(1) Section 28 of *The Division Courts Act* is repealed and the following substituted therefor:— Rev. Stat., c. 60, s. 28 repealed.

28. The Lieutenant-Governor may appoint the clerk and bailiff or bailiffs of any Division Court, and all clerks and bailiffs heretofore or hereafter appointed shall hold office during pleasure only of the Lieutenant-Governor. Tenure of office of Division Court officials.

(2) Section 30 of *The Division Courts Act* is hereby repealed. Rev. Stat., c. 60, s. 30, repealed.

13. Section 2 of *The Arbitration Act* is repealed and the following substituted therefor:— Rev. Stat. c. 62, s. 2 repealed.

2.—(a) In this Act, unless a contrary intention appears, "submission" means a written agreement to submit present or future differences to arbitration or valuation, whether an arbitrator or valuator is named therein or not, and shall be deemed to include a written agreement to submit to arbitration or valuation or assessment the ascertainment of any sum or sums of money, or settlement of any terms or differences in any contract, in the fixing or determining of which two or more persons are or may be interested, whether the subject of difference or not, and whether an arbitrator, valuator or assessor is named therein or not. Interpretation "submission."

(b) The term "arbitrator" shall be taken and read to include and mean "valuator;" and "arbitration" to include and mean "valuation."

(c) "Court" means His Majesty's High Court of Justice. "Court."

(d) "Judge" means Judge of His Majesty's High Court of Justice. "Judge."

(e) "Rules of court" mean the rules of the Supreme Court made by the proper authorities under *The Judicature Act*. "Rules of Court."

14. Section 3a added to *The Act respecting Police Magistrates* by section 13 of *The Act to amend the Statute Law* passed in the second year of the reign of His Majesty, chapter 12, is repealed and the following substituted therefor:— Rev. Stat., c. 86, s. 3a, repealed.

3a. The Lieutenant-Governor in Council may appoint two police magistrates for any city containing not less than 200,000 inhabitants at salaries to be named in the order making the appointment or by subsequent order. The salaries so named shall be paid by the city quarterly to such police magistrates and shall not exceed the sum of \$5,000 in Appointment and salaries of two police magistrates in cities over 200,000.

in the case of the senior police magistrate and \$3,000 in the case of the junior police magistrate.

Not to act as  
director of  
company or to  
practise law.

No police magistrate appointed under this section shall during the continuance of his appointment act as director of a company, or directly or indirectly practice in the profession of the law or do any manner of conveyancing or prepare any papers or documents to be used in any court of this Province under the penalty of forfeiture of office.

Rev. Stat.  
c. 101, s. 4  
amended.

15. Section 4 of *The Act respecting the Fees of Officers engaged in the Administration of Justice* is amended by adding thereto the following subsection:—

Constables,  
fees for attend-  
ance at courts

(2) Item 8 in the schedule of constables' fees is repealed and every constable attending the assizes or sessions shall be allowed for each day's attendance the sum of \$2, one-half of which shall be payable out of county funds.

Rev. Stat.  
c. 109, s. 6,  
subs. 2  
amended.

16. Subsection 2 of section 6 of *The Unorganized Territory Act* is amended by adding at the end thereof the following words: "And the remuneration they shall each receive for all work done in connection with *The Surrogate Courts Act*, *Mechanics' and Wage Earners' Lien Act*, *Woodman's Lien for Wages Act*, and *The Act for protecting the Public Interest in Rivers, Streams and Creeks*, shall be \$500 per annum in lieu of all fees heretofore payable to them under any of said Acts and the said fees shall be payable hereafter in stamps and form part of the consolidated revenue fund of the Province.

Allowance to  
district judges  
for services  
under certain  
Acts.

Rev. Stat.  
c. 109, s. 24,  
subs. 1 re-  
pealed.

17. Subsection 1 of section 24 of *The Unorganized Territory Act* and section 14 of *The Act to amend the Statute Law* passed in the sixty-second year of the reign of Her late Majesty Queen Victoria, Chaptered 11, are repealed and the following substituted for the said subsection 1:—

Selection of  
jurors.

(1) The Judges of the District Court where there are two such Judges and the Sheriff for each Provisional Judicial District shall be *ex-officio* selectors of jurors for the District, and may select, choose and return as jurors any of the inhabitants of such Provisional Judicial Districts respectively without reference to the mode prescribed for selecting, balloting or returning jurors by *The Jurors' Act*; and juries *de medietate lingue*, and juries of a like nature, may be ordered by the Court before which any cause in any of the said Provisional Judicial Districts may be pending. Where there is only one Judge for the District then the Clerk of the District Court and the Sheriff shall with the Judge be the selectors of jurors.

6 Edw. VII.,  
c. 23, not to  
come into force  
until pro-  
claimed.

18. *The Act to amend The Devolution of Estates Act*, passed during the present Session and which received its 3rd reading on the 4th of May, 1906, shall come into force and



and have effect in whole or in part only on and from such date as may be named by the Lieutenant-Governor in Council by proclamation in that behalf, and then as to such part only as may be mentioned in the said proclamation.

19.—(1) Section 6 of *The Quieting Titles Act* is hereby repealed. Rev. Stat., c. 135, s. 6, repealed.

(2) Clause 2 of section 7 of *The Quieting Titles Act* is amended by striking out the words "registering of a certificate of the petition as provided for by section 6," and substituting therefor the words "granting of a certificate of title." Rev. Stat., c. 135, s. 7, cl. 2 amended.

(3) Section 27 of *The Quieting Titles Act* is amended by striking out the words "one of the Registrars" and by substituting therefor the words "Clerk of the Crown and Pleas or the Clerk of Records and Writs." Rev. Stat., c. 135 s. 27, amended.

(4) Any certificate of title heretofore issued with the signature of the Referee of Titles at Toronto, or Inspector of Titles, shall be deemed to be sufficiently signed by him as Registrar of the High Court, although he may have omitted to add to his signature such last mentioned title. Certificates of title, how to be signed

20.—(1) Subsection 1 of section 169 of *The Land Titles Act*, section 3 of chapter 16 of the Statutes passed in the first year of His Majesty's reign, and section 5 of chapter 19, passed in the second year of the said reign, are hereby repealed, and the following substituted therefor:— Rev. Stat., c. 138, s. 169; 1 Edw. VII., c. 16, s. 3; 2 Edw. VII., c. 19, s. 3 repealed.

(1) When any land situated in Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay or Rainy River is granted by the Government of Ontario by letters patent or by order of the Lieutenant-Governor in Council, the letters patent or a certified copy of the Order in Council shall be forwarded to the local Master of the District for the purpose of the grantee being entered as the first registered owner of the land, with any necessary qualification; provided that this section shall not apply to land covered with waters of Lake Huron adjacent to the Great Manitoulin Island, Cockburn Island or Fitzwilliam Island, in the District of Manitoulin, or adjacent to any island which, in whole or in part, lies between headland and headland around the said three islands.

Letters Patent or Order in Council granting lands in certain districts, registration of.

(2) Section 171 of *The Land Titles Act* is hereby amended by adding the following thereto as subsection 3 thereof: Rev. Stat., c. 138, s. 171 amended.

(3)

Amount payable into assurance fund in certain cases.

(3) In the case of lands hereafter registered under sections 169 and 170 the amount to be paid into the Assurance Fund in respect thereof shall be a sum equal to one-fourth of one per cent. of the value, at the time of payment, of the land, apart from the buildings or fixtures thereon, and one-tenth of one per cent. of the value at the said time of the said buildings and fixtures, but not in any case less than \$1 in respect of any parcel.

Registration of Dominion patentees.

(3) Where land situate in any of the districts of this province has been or shall be patented by the Government of Canada the Local Master of Titles of the district shall have authority to register the patentee as owner of such land and may do so without submitting his finding upon the application to the Inspector of Titles for his concurrence.

Rev. Stat., c. 149, s. 10, amended.

21. Section 1a of *The Act respecting Conditional Sales of Chattels*, enacted by section 2 of the Act passed in the third year of His Majesty's reign, Chaptered 13, is repealed.

Agreement, etc., as to place of trial, effect of.

22. No proviso, condition, stipulation, agreement or statement which provides for the place of trial of any action, matter or other proceeding shall, subject to the provisions hereinafter set out, be of any force or effect.

(1) The provisions of this section shall not be available in any Division Court action or proceeding unless and until the defendant within the time limited for disputing the plaintiff's claim or within such further time as the judge of the court in which the action or proceeding is commenced shall allow, files with the clerk of the court out of which the summons issued, or wherein the proceedings were commenced, a notice disputing the jurisdiction of such court and an affidavit of the defendant or his agent stating that in his belief there is good defence to the action on the merits, and further stating the Division Court wherein the cause of the action arose, or partly arose, and the defendant resides.

(2) The provisions of this section shall not apply to or be available in any action, matter or proceeding commenced or pending in any other court than a Division Court unless and until the defendant therein shall make a motion to change the venue or place of trial according to the practice of such court.

Rev. Stat., c. 149, amended.

23. The Act to amend *The Act respecting Conditional Sales of Chattels* is amended by adding thereto the following as section 2a:—

Receipt notes for chattels other than

2a. Receipt notes, hire receipts and orders for chattels given by bailees of chattels other than manufactured goods and chattels, where the condition of the bailment is such and

that the possession of the chattel passes without any ownership therein being acquired by the bailee until the payment of the purchase or consideration money or some stipulated part thereof shall only be valid as against subsequent purchasers or mortgagees without notice in good faith for valuable consideration, provided that the bailor or vendor within ten days from the execution of the receipt note, hire receipt order or other instrument, evidencing the bailment or conditional sale given to secure the purchase money or a part thereof shall file with the clerk of the County Court of the County in which the bailee or conditional purchaser resided at the time of the bailment or conditional purchase a copy of the said receipt note, hire receipt or order or other instrument evidencing the bailment or conditional sale, and no such bailment shall be valid as against such subsequent purchaser, or mortgagee as aforesaid, unless it is evidenced in writing signed by the bailee or his agent.

manufactured goods to be filed in office of county court clerk to be valid as against subsequent purchasers.

24. Subsection 1 of section 6 of the said Act is amended by striking out the word "manufactured" in the fourth and fifth lines thereof.

Rev. Stat. c. 149, s. 6, sub-s. 1, amended.

25. Section 8 of the said Act is amended by adding the words "and keeping" after the word "taking" in the eighth line of the said section.

Application of Act.

26. Sections 23, 24 and 25 of this Act shall not affect or apply to any such receipt note, hire receipt, or order for chattels made or given prior to the 1st day of January, 1907.

27. Section 2 of *The Marriage Act* is amended by adding thereto the following:—

Rev. Stat., c. 162, s. 2, amended.

5. Any recognized evangelist, teacher or elder of the congregations of Christians commonly called or known as "Brethren," who may be appointed by any such congregation to perform the ceremony of the solemnization of marriage, and whose appointment has previously been filed in the office of the Provincial Secretary.

Right of minister of the "Brethren" to perform the marriage ceremony.

28. Sections 4, 5, 6 and 7 of *The Ontario Companies Act* are hereby repealed, and the following inserted in lieu thereof:

Rev. Stat. c. 191, ss. 4-7 repealed.

4. This Act, except in so far as it may be particularly made otherwise applicable, shall apply to the following companies:—

Application of Act.

(a) To every company incorporated under any special or general Act of the Parliament of the late Province of Upper Canada.

(b)

(b) To every company incorporated under any special or general Act of the Parliament of the late Province of Canada which has its head office and carries on business within the Province of Ontario, and which was incorporated with objects or purposes to which the legislative authority of the Legislature of the Province of Ontario extends, and

(c) To every company incorporated under any special or general Act of the Legislature of the Province of Ontario;

Proviso.

Provided, however, that this Act shall not apply to any such company incorporated for the construction and working of a railway, the business of insurance and the business of a loan corporation within the meaning of *The Loan Corporations Act*; and further provided, that the Lieutenant-Governor in Council may relieve any company incorporated before the first day of July, 1897, from compliance with any of the provisions of this Act as may be deemed expedient.

Rev. Stat.  
c. 205, s. 41,  
subs. 1,  
amended.

29.—(1) Subsection 1 of section 41 of *The Loan Corporations Act* is hereby amended by inserting in the thirteenth line of the said subsection after the words "officers thereof" the words "the capital stock thereof, the number of shares into which divided, the par value per share."

Rev. Stat.  
c. 205, s. 48,  
amended.

Privity of  
contract be-  
tween purchas-  
ing company  
and each  
creditor of sell-  
ing company.

(2) Section 48 of *The Loan Corporations Act* is hereby amended by adding after the words "its engagements" in the fourteenth line these words: "And by every such agreement made or purporting to be made under this Act the purchasing company shall be deemed and held to covenant and agree with each and every creditor of the selling company that the purchasing company will pay to each such creditor of the selling company the sum or sums in which the selling company is indebted to each such creditor respectively, and that payment will be made at such times and places as such sum or sums would have been payable had the said agreement not been made or not been assented to."

Rev. Stat.  
c. 205, s. 48,  
amended.

(3) The said section 48 is further amended by adding thereto subsection 2 as follows:

Dissolution of  
selling corpora-  
tions and of  
corporations  
amalgamated.

(2) Where, under this Act the Lieutenant-Governor in Council assents to an agreement for the sale of the assets of a loan corporation, or to an agreement for the amalgamation of two or more loan corporations, then, as from the date of such assent, the selling corporation, or the several corporations amalgamated, shall in the respective cases be deemed to be and shall be dissolved except so far as is necessary to give full effect to the said agreement.



(4) Subsection 2 of section 89 of *The Loan Corporations Act* is amended by inserting the word "depositors" in the fourth line of the said subsection after the word "shareholders."

Rev. Stat.  
c. 205, s. 89  
subs. 2,  
amended.

(5) Subsection 1 of section 99 of *The Loan Corporations Act* (as amended by section 3 (1) of the statute passed in the second session in the sixty-second year of the reign of Her late Majesty and chaptered 22) is hereby amended by striking out in the seventh, eighth and ninth lines of the said subsection the words "and the statement, having been signed and sworn to by the president or vice-president and the manager or secretary, shall," and by substituting therefor the following words: "and the statement having been adopted by a resolution of the board of directors passed in that behalf, and having been signed and sworn to by the president or vice-president and the manager or secretary shall, with a certified copy of the said resolution."

Rev. Stat.,  
c. 205,  
s. 99, subs. 1,  
amended.

(6) Subsection 4 of section 117 of *The Loan Corporations Act* is amended by adding after the words "High Court" in the sixth line of the said subsection the following words "And the appeal shall at the latest be made to the then next sittings of the said court unless an order be made extending the time for appeal."

Rev. Stat.  
c. 205, s. 117,  
subs. 4,  
amended.

30. Section 388 of *The Consolidated Municipal Act, 1903*, is amended by inserting therein after the words "ordinary expenditure" the words "and over and above any sums raised for the purchase of a site or erection of buildings for a House of Refuge," and the said section as hereby amended shall be deemed to have been in force on and from the 26th day of April, 1904.

3 Edw. VII,  
c. 19, s. 388,  
amended.

31. Section 1 of *The Act to Prevent Minors from frequenting Billiard Rooms and other places* is amended by striking out the figures "16" in the third line and substituting the figures "18" therefor.

Rev. Stat.  
c. 247, s. 1,  
amended.

32. Section 30 of *The Public Health Act* is amended by adding the following as subsection 6:

Rev. Stat.  
c. 248, s. 30,  
amended.

(6) No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind whatsoever, which, either by itself or in connection with other matter corrupts or impairs or may corrupt or impair the quality of the water of any source of public water supply for domestic use in any city, town, incorporated village or other municipality, or which renders or may render such water injurious to health, shall be placed in or discharged into the waters, or placed or deposited upon the ice of any such source of water supply, near the place from which any such municipality shall or may obtain its supply of

Polluting  
water supply.

water for domestic use, nor shall any such sewage, drainage, domestic or factory waste or refuse, excremental or other polluting matter be placed or suffered to remain upon the bank or shore of any such source of water supply near the place from which such municipality shall or may obtain its supply of water for domestic use as aforesaid, nor within such distance thereof as may be considered unsafe by the Provincial Board of Health, after an examination thereof by a member or officer of the said Board, and any person who shall offend against any provision of this section shall upon summary conviction be liable to a penalty of not more than \$100 for each offence, and each week's continuance after notice by the Provincial Board of Health or Local Board of Health, to abate or remove the same shall constitute a separate offence.

Rev. Stat.  
c. 290,  
amended.

**33. *The Act to encourage the Destroying of Wolves*** is amended by adding thereto the following as section 10:

Evidence of  
killing of w. o. l. f.

10—(1) Whenever the Provincial Treasurer is satisfied that the person killing a wolf is properly entitled to receive the bounty he may direct payment thereof notwithstanding that the person taking the affidavit and certifying the fact of the wolf being killed is not one of those mentioned in said Act, provided such affidavit is taken before or certificate given by some person authorized by the Act to give certificates or by some person authorized to administer oaths for use in the Superior or other Courts of the Province.

Proof of killing  
in Algonquin  
Park.

Rev. Stat.  
c. 46.

(2) In the case of claims to the bounty for wolves killed in the Algonquin Park the affidavit may be taken and the certificate given by the Superintendent of the Park, and it shall not be necessary to show that the person killing the wolf had the special license provided for by section 8 of *The Algonquin National Park Act*.

62 Vic. (2).  
c. 83, s. 15,  
amended.

**34.—(1)** Section 15 of *The Act to incorporate the Village of Sturgeon Point*, passed in the sixty-second year of the reign of Her late Majesty, Queen Victoria, chaptered 83, is amended by striking out the words "and part of the fifth County Council Division of the County of Victoria."

Village of  
Sturgeon Point  
not to be  
represented in  
county council  
of Victoria.

(2) Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or any amendment thereto, the Village of Sturgeon Point shall not be represented in the county council of the County of Victoria, as hereafter constituted, nor shall the reeve of the said village sit or vote in such council.

1 Edw. VII.  
c. 22, s. 4,  
amended.

**35.** Section 4 of *The Act respecting Aid to Certain Railways* passed in the first year of His Majesty's reign, chapter 22, is amended by adding thereto the following words:

"The

“The time limited herein is extended as regards the Bracebridge and Trading Lake Railway until the thirty-first day of December, 1906, and as regards the Bruce Mines and Algoma Railway until the thirtieth day of June, 1909.”

36. An extension for the period of two years from the first day of December, 1907, is hereby granted to the Manitoulin and North Shore Railway Company to commence and complete the portion of the railway from Little Current in the District of Manitoulin to a point distant about thirteen miles from the Town of Sudbury to which the said railway has already been constructed and the completion of the said portion of the said railway shall be deemed and taken as a fulfilment and performance of the obligations of the railway company as provided in section 9 of *The Act respecting Aid by Land Grant to the Manitoulin and North Shore Railway Company*, passed in the first year of His Majesty's reign, chapter 23, so as to entitle the company to the land grant made by the aforesaid Act for the above mentioned portion of the railway.

Extension of time for earning of land grant by Manitoulin and North Shore Railway.

37.—(1) The paragraphs numbered 1 and 2 in section 16 of *The Act respecting Aid by Land Grant to the Algoma Central Railway Company* as enacted by section 54 of *The Statute Law Amendment Act, 1903*, are amended by striking out the figures “1906” wherever they occur in the said paragraphs and inserting in lieu thereof the figures “1907,” but this amendment shall not come into force or take effect until so declared by proclamation of the Lieutenant-Governor in Council.

Extension of time for earning land grant to Algoma Central Railway.

38. Section 23 of *The Act to amend the Statute Law* 2 Edw. VII. c. 12, s. 23, amended. passed in the second year of His Majesty's reign, chapter 12, is repealed and the following substituted therefor:—

Subsection 2 of section 11 of *The Ontario Trust Companies Act* is amended by inserting the words “or in securities which are a first charge on lands held in fee simple in the Provinces of Manitoba, Alberta or Saskatchewan” after the word “Provinces” in the 9th line of the said subsection.

Rev. Stat. c. 206, s. 11, subs. 2, amended.

39. Subsection 1 of section 1 of *The Act respecting Aid to certain Railways*, passed in the fourth year of His Majesty's reign, Chapter 18, is amended by striking out the words “and from the east end of Lake of Bays to the west end of Hollow Lake,” occurring in the third and fourth lines of the said clause.

4 Edw. VII. c. 18, s. 1, subs. 1, amended.

4 Edw. VII.,  
c. 18, s. 1, subs.  
2, amended.

Land grant to  
Grand Trunk  
Pacific Rail-  
way.

40.—(1) Subsection 2 of section 1 of the Act passed in the fourth year of the reign of His Majesty, chaptered 18, is amended by striking out the figures and words “6,000 acres per mile” in the seventh and eighth lines of the said subsection and inserting in lieu thereof the figures and words “3,375 acres per mile.”

4 Edw. VII.,  
c. 18, s. 15,  
repealed.

4 Edw. VII.,  
c. 18, s. 17,  
amended.

(2) Section 15 of the said Act is repealed.

(3) Section 17 of the said Act is amended by striking out the words and figures “sections 15 and 16” in the fifth line of the said section and inserting in lieu thereof the word and figures “section 16,” and by striking out all the words in the said section after the words “fee simple” in the tenth line thereof.

By-law No. 580  
of County of  
Middlesex  
declared to be  
within 1 Edw.  
VII., c. 32.

41.—(1) By-law No. 580 of the County of Middlesex confirmed by an Act passed at the present session, is declared to comply with the provisions of *The Act for the improvement of Public Highways* and any amendment thereto, so as to entitle the corporation of the said county to share in the fund set apart by the said Act.

(2) Where a bridge or bridges situated on a road or roads designated for improvement under the said by-law are improved or renewed, or where a new bridge is erected on such road or roads, or touching on such road or roads, the Municipal Council of the County of Middlesex shall be entitled to receive out of the fund set apart for improvement of public highways, one-third of that part of the cost of such work actually borne by the county or any local municipality within the county, whether the liability to construct or maintain such bridge or bridges or any of them belongs to the county or a local municipality, or partly to the county and partly to the local municipality.

(3) The County Council of the County of Middlesex shall present to the Minister of Public Works an annual statement describing the work done and the amount expended on the roads designated for road improvement, together with a certificate of the County Commissioner that the regulations of the Public Works Department in regard to Highways have been complied with. Upon receipt of such statement by the Provincial Treasurer, certified and approved by the proper officials of the Public Works Department, the Municipality of the County of Middlesex shall be entitled to receive from the moneys set apart for public highways an amount equal to one-third of the cost of the works.

(4) The Municipal Corporation of the County of Middlesex shall be entitled to receive from the fund set apart by *The Act for Improvement of Public Highways* not only one-third of the sums which will be paid under subsection 4 of section 1 of the said by-law, but also one-third of all

further



further expenditures upon the roads designated for improvement under the by-laws required by subsection 1 of section 1 of the said by-law. Provided that the work done in any municipality shall comply with the requirements of the Public Works Department in regard to public highways.

42. Section 21 of *The Statute Law Amendment Act*, 5. Edw. VII. c. 13, s. 21, 1905, is repealed and the following is substituted therefor: repealed.

Section 6 of *The Act respecting Aid to Certain Railways* 63 V, c. 29, s. 6, passed in the 63rd year of the reign of Her late Majesty, chapter 29, is amended by adding thereto the following words: "The time limited herein is extended as regards the Central Ontario Railway until the thirty-first day of December, 1908." Time for earning bonus extended.

43. *The Act to incorporate The Roman Catholic Bishop of the Diocese of Sault Ste. Marie in Ontario, Canada*, 5. Edw. VII., c. 121, amended. passed in the fifth year of His Majesty's reign, chaptered 121, is amended by adding thereto the following as Schedule "A":

#### SCHEDULE "A."

This indenture made in duplicate the day of one thousand nine hundred and

In pursuance of The Act Respecting Short Forms of Conveyances; (mortgages, leases, etc., as the case may be).

Between: The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada, of the First Part of the Second Part; The Right Reverend David Joseph Scollard, (or as the case may be) Bishop of the Diocese, of the Third Part; and The Right Reverend or Very Reverend Coadjutor Bishop or Vicar-General (as the case may be) and The Reverend Clergyman of the said Diocese, or (naming two clergymen if there be neither Coadjutor nor Vicar-General, and adding recital to that effect) of the Fourth Part.

Whereas the party hereto of the first part has contracted with the party hereto of the second part for the sale (mortgage, lease, etc.) of the lands hereinafter described; and whereas the party hereto of the third part is the present Bishop of said Diocese, and the parties hereto of the fourth part are the proper persons whose consent is necessary to this conveyance under the terms of the statute incorporating the party of the first part; and whereas the parties hereto of the fourth part join in this conveyance in order to testify in writing their consent to the sale (mortgage, etc.) as aforesaid, pursuant to said statute;

Now therefore this indenture, etc., as in other conveyances. After covenants.—And the parties hereto of the fourth part thereof consent to this conveyance, and are made parties hereto and execute the same for the purposes hereinbefore set forth.

In Witness Whereof the said party of the first part has caused its corporate seal to be affixed attested by the hand of the said party of the Third Part and the said parties of the Fourth Part have hereunto set their hands and seals.

Signed, Sealed and Delivered  
in the presence of two  
witnesses:

A. B.

C. D.

(L.S.C.)

(L.S.)

(L.S.)

(L.S.)

Powers of  
Canadian  
Niagara Power  
Company as to  
taking land.

44. Sections 59 to 74 (both inclusive) of *The Ontario Railway Act, 1906*, are incorporated with the Act passed in the fifty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 8, and shall be read as applicable to the Canadian Niagara Power Company as if the said Company had been expressly so named in the said sections save in so far as the same are varied by or are inconsistent with the provisions of the said last mentioned Act.

55 V., c  
amended.

45. Section 6 of the Act passed in the 55th year of the reign of Her late Majesty, Queen Victoria, chaptered 8, is amended by adding thereto the following subsection:

Canadian  
Niagara Power  
Co. authorized  
to issue addi-  
tional bonds for  
\$3,000,000.

(a) For the purpose of prosecuting and completing the said undertaking the directors of the said company shall have power to make a further issue of bonds, the whole amount of such further issue not to exceed in all the sum of \$3,000,000, to which issue all the terms of section 6 of this Act shall apply as though the same were set forth in this subsection, provided, always, that the said further issue of \$3,000,000 shall rank next subsequent to the issue of \$5,000,000 authorized by section 6 of this Act.

Aid to Canada  
Central Rail-  
way Company.

46.—(1) There shall be granted out of the Consolidated Revenue Fund to the Canada Central Railway Company, or such other company as shall carry out the work, for the construction of a railway from the Town of Little Current to a point about 13 miles from the Town of Sudbury a distance not exceeding 53 miles, a cash subsidy of \$5,000 a mile— \$265,000.

(2) The subsidy hereby granted is subject to the condition that the construction of the railway is to be commenced within three months and completed within two years from the passing of this Act, and is in other respects subject to the conditions, so far as the same are applicable, contained in *The Act respecting Aid to Certain Railways*, passed in the first year of His Majesty's reign, chaptered 22.

(3) Clause (2) of section 1 of *The Act respecting Aid to Certain Railways*, passed in the first year of His Majesty's reign, chaptered 22, is amended by striking out the words and figures "13 miles, a cash subsidy of \$3,000 a mile—\$39,000" and substituting therefor the words and figures "38 miles, a cash subsidy of \$3,000 a mile—\$114,000."

<sup>1</sup> Edw. VII.  
c. 22, s. 1, cl. 2,  
amended.

Aid to Bruce  
Mines and  
Algoma  
Railway.

(4) The provisions of section 2 of chapter 35 of the Acts passed in the fifty-second year of the reign of Her late Majesty Queen Victoria respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment for grants of \$3,000 per mile and in proportion for grants of \$5,000 per mile and all the conditions provided by section 3 of the said Act not inconsistent with this Act shall apply to the grants of cash subsidies made in this section.

Application of  
52 V. c. 35, s. 2,  
to aid.

## CHAPTER 20.

## An Act to amend The County Courts Act.

*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 55 amended.

1. *The County Courts Act* is amended by adding thereto the following section.

Agreements as  
to trial of High  
Court actions  
in County  
Court.

22a. Notwithstanding anything in the preceding section contained, in actions in the High Court of Justice, the County Court of the county, the county town of which is named as the place of trial, shall have jurisdiction, for the purpose of trial only, when the plaintiff and defendant agree thereto at any time by a memorandum in writing signed by them or their solicitors and filed in the proper office at or before the time of setting the action down for trial, but all proceedings in any action so tried subsequent to the trial shall be had, taken and continued in the High Court, and all costs, fees and disbursements of the action, including those of the trial, shall be the same as though the trial had taken place at a sitting of the High Court of Justice.

(2) In case an action has been entered for trial in the High Court of Justice the parties may by filing a memorandum as hereinbefore provided at any time before such action has been tried transfer the same for trial only by the County Court as aforesaid.



## CHAPTER 21.

## An Act to amend The Unorganized Territory Act.

*Assented to 14th March, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 24 of *The Unorganized Territory Act* is amended by adding thereto the following subsection: Rev. Stat. c. 109, s. 24, amended.

(3.) The Clerk of the Peace for the District shall attend the meetings of the selectors of jurors and in a book to be kept for that purpose, shall enter their proceedings and resolutions, but he shall have no voice in the selection of jurors and shall in no case advise or express an opinion whether any name ought to be placed upon or omitted from the list of jurors. Attendance of Clerk of the Peace at selection of jurors.

2. Inasmuch as doubts have arisen as to the validity of the last selection of jurors for the District of Parry Sound, it shall be lawful for the selectors of jurors for the said District, and it shall be their duty to meet forthwith and make a new selection of jurors for the present year, and the selection, which shall be so made by them shall be the true and only selection of jurors for the present year for the said District. Selection of jurors in Parry Sound for 1906.

## CHAPTER 22.

## An Act to amend The Act respecting Actions of Libel and Slander.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 68,  
s. 1 amended.

1. Section 1 of *The Act respecting Actions of Libel and Slander* is amended by striking out the words "twenty-six" wherever they occur in the said section and inserting in lieu thereof the words "thirty-one."

Rev. Stat., c. 68,  
s. 8, subs. 1  
repealed.

2. Subsection 1 of section 8 of *The Act respecting Actions of Libel and Slander* is repealed and the following substituted therefor:—

Reports of  
proceedings,  
public meet-  
ings, etc.

(1) A fair and accurate report published in any newspaper of any proceedings in the Parliament of Canada, or in any Legislative Assembly of any of the Provinces of the Dominion of Canada, or of any Committee of said Parliament or of any of said Legislative Assemblies, or of a Public Meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a Municipal Council, School Board, Board of Education, Provincial Board of Health, Medical Health Board, or any other board or local authority formed or constituted under any of the provisions of any Public Act of any Legislative Assembly of any of the Provinces of the Dominion of Canada or of the Parliament of Canada, or of any Committee appointed by any of the above-mentioned bodies, and the publication of the whole, or a portion or a fair synopsis, of any report, bulletin, notice or other document, issued for the information of the public from any Government Office or Department, or by any Provincial Board of Health, Medical Health Board, or Medical Health Officer, or the publication, at the request of any Government or Municipal Official, Commissioner of Police, or Chief Constable, of any notice or report issued by him for the information of the public, shall be privileged, unless it shall be proved that such publication was made maliciously; provided

provided that nothing in this section shall authorize the publication of any blasphemous or indecent matter; provided also that the protection intended to be afforded by this section shall not be available as a defence in any proceeding, if the plaintiff can show that the defendant has refused to insert in the newspaper making such publication a reasonable letter or statement of explanation or contradiction by or on behalf of the plaintiff; provided, further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter not of public concern or the publication of which is not for the public benefit. Proviso.

## CHAPTER 23.

## An Act to amend The Devolution of Estates Act.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 127, s. 4,  
amended.

1. Section 4 of *The Devolution of Estates Act* is amended by adding thereto the following subsections:—

Who to be  
defendants  
in action for  
foreclosure  
when no per-  
sonal repres-  
entative of mort-  
gagor.

(5) When there is no personal representative of a deceased mortgagor of freehold land it shall be sufficient for the purposes of an action for the foreclosure of the equity of redemption in such land that the person beneficially entitled under the last will and testament if any of the deceased mortgagor, or under the provisions of this Act, to such land or the proceeds thereof be made defendant to such action, and it shall not be necessary that a personal representative of the deceased mortgagor be appointed or be made a defendant thereto unless it shall be otherwise ordered by the court in which the action is brought or a judge thereof: Provided always that if a personal representative of the deceased mortgagor shall be appointed during the pendency of such action and such equity of redemption shall devolve upon and become vested in him he shall be made a party to such action.

Proviso.

“Mortgagor”  
meaning of.

(6) The term “mortgagor” shall include the assignee of a mortgagor and any person entitled to or interested in the equity of redemption in the mortgaged lands.

Rev. Stat.  
c. 127, s. 13,  
subs. 1,  
amended.

2. Subsection 1 of section 13 of *The Devolution of Estates Act* is amended by adding after the words “disposed of” in the second line thereof, the following words: “divided between the persons beneficially entitled thereto under the provisions of section 16 of this Act.”

Rev. Stat.  
c. 127, s. 16,  
repealed.

3. Section 16 of *The Devolution of Estates Act* is repealed and the following substituted therefor:—



16.—(1) Subject to the provisions of sections 8 and 9 of this Act, executors and administrators in whom the real and personal estate of a deceased person is vested under this Act shall have as full power to sell and convey such real estate for the purpose not only of paying debts, but also of distributing or dividing the estate among the parties beneficially entitled thereto whether there are debts or not as they have in regard to personal estate, and in no case shall it be necessary that the persons entitled to such real estate as heirs or devisees shall concur in any such sale except where the sale is made for the purpose of distribution only.

Powers of executors and administrators as to selling and conveying real estate.

(2) No sale of any such real estate made for the purpose of distribution only shall be valid as respects any heirs or devisees beneficially entitled thereto unless such heirs and devisees concur therein: Provided always that where lunatics are beneficially entitled as heirs or devisees or where there are other heirs or devisees who do not concur in the sale by reason of their place of residence being unknown or where in the opinion of the Official Guardian appointed under *The Judicature Act* it would for any reason be inconvenient to require the concurrence of such heirs or devisees or where in his opinion it would be advisable to dispense with such concurrence, the Official Guardian may, upon proof satisfactory to him that such sale is in the interest and to the advantage of the estate of such deceased person and the persons interested therein, approve such sale on behalf of such lunatics, non-concurring heirs and devisees and any such sale made with the written approval of the Official Guardian aforesaid shall be valid and binding upon such lunatics, non-concurring heirs and devisees to all intents and purposes whatsoever; and for this purpose the Official Guardian aforesaid shall have the same powers and duties as he has in the case of infants.

Concurrence of heirs and devisees.

Proviso as to lunatics and non-concurring heirs and devisees.

(3) Such executors and administrators shall also have power with the concurrence of the persons beneficially entitled thereto, or where there are infants or lunatics, with the approval of the Official Guardian aforesaid, to divide the said estate of such deceased person or any portion or portions thereof amongst the persons entitled thereto according to their respective shares and interests therein, and the power of division conferred by this subsection may also be exercised although all the persons beneficially interested do not concur, if the Official Guardian signifies his approval in manner aforesaid, and the Official Guardian may approve any such division on behalf of non-concurring heirs or devisees under the same conditions and with the same effect as in the case of a sale under subsection 2 of this section.

Powers of executors and administrators as to dividing estate among persons entitled.

(4) This section shall not apply to any administrator where the letters of administration are limited to the personal estate, exclusive of the real estate, and shall not derogate

Section not to apply to administrators of personal estate only.

ate

ate from any right possessed by an executor or administrator independently of this Act.

2 Edw. VII., c.  
17, s. 8, re-  
pealed.

4. Section 8 of the Act passed in the second year of the reign of His Majesty King Edward the Seventh, Chaptered 17, intituled *An Act to further amend The Devolution of Estates Act*, is hereby repealed.

2 Edw. VII.,  
c. 17, s. 12  
amended.

5. Section 12 of the Act passed in the second year of the reign of His Majesty King Edward the Seventh, Chaptered 17, intituled *An Act to further amend The Devolution of Estates Act*, is amended by striking out the words "within the said year" in the ninth line thereof and the words "shall have caused" in the ninth and tenth lines thereof and by inserting after the word "administrators" in the ninth line thereof the word "cause."

Real estate of  
of persons  
dying between  
1st July 1886,  
and 4th May,  
1891.

[NOTE.—*This Act will not come into force until Proclamation by Lieutenant-Governor in Council. See Cap. 19, sec. 18.*]

## CHAPTER 24.

## An Act to amend The Ontario Medical Act.

*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 27 of *The Ontario Medical Act* is amended by striking out the word “or” where it occurs before the word “Kingston” in the seventh line of the said section, and by adding after the word “Kingston” in the seventh line of the said section the words “and London.”

Rev. Stat.,  
c. 176, s. 27,  
amended.

Place for  
holding exam-  
inations.

## CHAPTER 25.

## An Act to further amend The Pharmacy Act.

*Assented to 27th April, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 173, s. 26  
amended.

1. Section 26 of *The Pharmacy Act* as amended by 5 Edward VII., Chapter 16, Section 9 is further amended by inserting after the word "title" in the twelfth line of the said section 26, the following words:—

"And no company incorporated under any of the Acts in force regulating Joint Stock Companies shall sell or keep open shop for retailing, dispensing or compounding poisons, drugs or medicines, as aforesaid, or sell or attempt to sell any of the articles mentioned in Schedule "A" to this Act, unless a majority of the directors thereof are duly registered as pharmaceutical chemists or chemists and druggists under this Act, and unless one of such directors shall personally manage and conduct such shop, and shall have his name and certificate posted up in a conspicuous position in the shop, and no person not so registered as a pharmaceutical chemist or chemist and druggist shall in any way interfere with or take part in the management and conduct of such shop, and anything which would be an offence under this Act if committed by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of either of them shall not be a bar to the prosecution of the other."

Commence-  
ment of Act.

2. This Act shall not come into force until the first day of August, 1906.



## CHAPTER 26.

## An Act to amend The Act respecting Stationary Engineers.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act respecting Stationary Engineers* is amended Rev. Stat., c. 185 amended. by adding thereto the following sections:

20. There shall be a Board of Examiners for the examination of Stationary Engineers, which shall consist of twelve persons to be appointed, from time to time, by the Lieutenant-Governor in Council, and one member shall be appointed Chairman of the said Board. Board of Examiners to be appointed.

21. Any five members of the Board of Examiners shall Quorum. form a quorum.

22.—(1) Every member of the Board of Examiners shall Term of office. hold office for a period of three years at the pleasure of the Lieutenant-Governor in Council, but shall be eligible for re-appointment.

(2) In case of a vacancy by death, resignation or any other cause the Lieutenant-Governor shall appoint a new member to fill the vacancy for the unexpired portion of the three years.

23. The Board of Examiners shall appoint, from time to Secretary. time, some person to act as its secretary.

24. The Board of Examiners may make regulations, from Regulations of Board. time to time, subject to the approval of the Lieutenant-Governor in Council:

(1) For the examination of candidates presenting themselves for certificates of qualification under this Act, for prescribing the subjects in which such candidates shall be examined,

examined, and the time and place for holding such examinations, and the proof to be furnished by candidates as to capacity, sobriety and good character, and the issuing by The Board of Examiners of certificates of qualification under this Act.

(2) For fixing the fees to be paid by such candidates upon any such examination or on any certificate granted by The Board of Examiners, and for fixing the annual fee payable for the renewal of any such certificate.

(3) For prescribing the causes for which any such certificate may be revoked, cancelled or suspended.

Register.

25. The secretary of The Board of Examiners shall keep a register in which shall be entered the name of every person to whom a certificate of qualification is granted under this Act, together with the date of the same.

Unqualified  
persons not to  
operate steam  
plant.

26. No person who is not the holder of a certificate of qualification under this Act shall operate or have charge for more than 30 days at any one time of any steam plant operating an engine of 50 horse power or over in the Province of Ontario after the first day of July, 1907, nor shall any person after the said date employ any person who is not the holder of such certificate to operate or have charge of any such steam plant.

Penalty.

27. Every person guilty of a violation of the preceding section shall, upon summary conviction thereof before one or more Justices of the Peace, incur a penalty of not less than \$10 nor more than \$25, besides costs.

Who entitled  
to register with-  
out examina-  
tion.

28. Every engineer who, at the time of the passing of this Act shall hold a certificate from the Ontario Association of Stationary Engineers or who shall be in charge of any steam plant coming under the provisions of this Act, or who has had at least two years' experience in the operation of such a steam plant, and who applies to the Board of Examiners for such a certificate of qualification before the first day of July, 1907, shall, upon furnishing such evidence of good character as The Board of Examiners may require, and upon payment of the prescribed fee, be entitled to receive a certificate of qualification from the Board of Examiners.

Appeal to  
Minister of  
Agriculture.

29. Any person who feels himself aggrieved by the decision of the Board of Examiners may appeal therefrom to the Minister of Agriculture, upon giving such notice as the Minister may prescribe, and the decision of the Minister of Agriculture shall be final.

30. The Board of Examiners shall make a report in writing to the Minister of Agriculture on or before the 31st day of December in every year showing:

Report of  
Board to  
Minister of  
Agriculture.

- (a) The number of certificates granted by them during the preceding year, and the persons to whom the same were granted;
- (b) The number of applications for certificates refused during the preceding year and the causes for refusal;
- (c) The number of certificates revoked, cancelled or suspended during the preceding year, and the causes for the same;
- (d) The amount of fees received by them from candidates or holders of certificates during the preceding year;
- (e) The travelling and other expenses of the Board of Examiners and the Secretary, the fees, salary or other remuneration received by the Board of Examiners and the Secretary;
- (f) Upon such other matters as may be directed by the Minister of Agriculture or the Lieutenant-Governor in Council.

31. The receipts and expenses of the Board of Examiners shall be audited by a chartered accountant, not a member of the Board of Examiners, and the fees, salary or other remuneration paid to the Board of Examiners, and the Secretary shall be paid out of the fees received from candidates and others, and shall in all cases be subject to the approval of the Minister of Agriculture.

Audit of re-  
ceipts and ex-  
penses of Board

32. The certificate held by any person under this Act shall at all times be exposed to view in the engine or boiler room in which such person is employed, and failure to keep such certificate exposed shall be *prima facie* evidence of the lack of qualification under this Act.

Certificates to  
be exposed in  
engine room.

2. Sections 16, 17 and 18 of the said Act are repealed.

Rev. Stat., c.  
185, ss. 16, 17  
and 18, repeal-  
ed.

3. Section 19 of the said Act is amended by adding at the end thereof the words "but nothing in this Act contained shall apply to the operation of any steam plant operating an engine of less than fifty horse power."

Rev. Stat. c.  
185, s. 19,  
amended.

## CHAPTER 27.

## An Act respecting Prospectuses issued by Companies.

*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

“Prospectus”  
meaning of.

1.—(1) In this Act the word “prospectus” shall mean any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares, debentures or other securities of a company, and the word “company” shall mean any company incorporated or proposed to be incorporated.

(2) This Act shall apply to every company whether formed before or after the commencement of this Act which offers for subscription or sale shares, debentures or other securities and to every company whether incorporated under the laws of the Province of Ontario or otherwise, the shares, debentures or other securities of which are dealt in within the Province of Ontario.

Commissions.

2.—(1) Upon any offer of shares to the public for subscription, it shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission and the amount or rate per cent. of the commission paid or agreed to be paid are respectively authorized by the letters patent or supplementary letters patent and disclosed in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized.

Capital not to  
be applied in  
paying com-  
missions except  
as authorized.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person



person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company or procuring or agreeing to procure subscriptions whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay. Brokerage may be paid.

3.—(1) Every company heretofore or hereafter incorporated under any general or special Act of the Legislature of the Province of Ontario, which increases the number of its shareholders to a number greater by ten than the number of applicants for incorporation or which has its debentures or other securities held by more than ten persons, and every company incorporated otherwise than as above set out which has more than ten shareholders or holders of debentures or other securities within the Province of Ontario, shall fyle a prospectus in the manner hereinafter set forth. What companies must file prospectuses.

(2) All sales, subscriptions or other dispositions of shares, debentures or other securities of any company required in the manner above provided to fyle a prospectus, shall be deemed as against the company or the signatories to the prospectus to be induced by such prospectus, and any term, proviso or condition of such prospectus to the contrary shall be void.

(3) No subscription for stock, debentures or other securities, induced or obtained by verbal representations, shall be binding upon the subscriber, unless prior to his so subscribing he shall have received a copy of the prospectus.

4.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus. Date of prospectus.

(2) A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director or provisional director of the company, or by his agent authorized in writing, and shall be filed with the Provincial Secretary, on or before the date of its publication. Prospectus to be signed and filed.

(3) The Provincial Secretary shall not receive or fyle any prospectus unless it is so dated and signed. No prospectus shall be issued until so filed, and every prospectus shall state on the face of it that it has been so filed. Not to be issued until filed.

What to be  
disclosed in  
prospectus.

5.—(1) Every prospectus issued by or on behalf of a company or in relation to any intended company or by or on behalf of any person who is or has been engaged or interested in the formation of the company, shall state:—

Particulars as  
to incor-  
porators.

(a) The names, descriptions and addresses of the original incorporators, and the number of shares subscribed for by them respectively;

Qualification  
and remunera-  
tion of  
directors.

(b) The number of shares, if any, fixed as the qualification of a director, and any provision in the by-laws of the company as to the remuneration of the directors;

Directors.

(c) The names, descriptions and addresses of the directors or proposed directors;

Subscription  
upon which  
allotment may  
proceed.

(d) The minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and, in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment, and the amount actually allotted;

(e) The time or times at which under the by-laws of the company a further call or calls may be made upon shares subscribed for.

Shares and  
bonds allotted  
for other than  
cash considera-  
tion.

(f) The number and amount of shares issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and the number and amount of bonds, debentures or other securities issued or to be issued and allotted to any person;

Vendors of  
property to  
company.

(g) The names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus and the amount payable in cash, shares, bonds, debentures or other securities to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor;

Consideration  
for purchase  
Commissions.

(h) The amount (if any) paid or payable as purchase money in cash, shares or debentures of any such property as aforesaid, specifying the amount payable for good-will;

- (i) The amount (if any) paid or payable as commission for subscribing, or agreeing to subscribe, or procuring or agreeing to procure subscriptions for any shares in the company, or for underwriting or procuring the underwriting of any securities issued or to be issued by the company or the rate of any such commission;
- (j) The amount or estimated amount of preliminary Preliminary expenses. expenses;
- (k) The amount paid or intended to be paid to any promoter and the consideration for any such payment; Promoter's remuneration.
- (l) The dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of publication of the prospectus; Particulars as to material contracts.
- (m) The names and addresses of the auditors (if any) Names, etc., of auditors. of the company;
- (n) Full particulars of the nature and extent of the interest (if any) of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company. Interest of directors in property taken by company.

(2) For the purposes of this section the word "vendor" shall extend to and include a vendor who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company in any case where— "Vendor" what to include.

- (a) The purchase money is not fully paid at the date of publication of the prospectus; or
- (b) The purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or
- (c) The contract depends for its validity or fulfilment on the result of such issue.

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the When "vendor" includes "lessor." expression

expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

Application of section.

(4) This section shall not apply to a circular or notice inviting existing shareholders or debenture holders of a company to subscribe for further shares or debentures; but subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently; provided that—

(a) The requirements as to the original incorporators and the qualification, remuneration, and interest of directors, the names, descriptions and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus published more than one year after the date of the first general meeting, and

(b) In the case of a prospectus published more than one year after the date of such meeting, the obligation to disclose all material contracts shall be limited to a period of two years immediately preceding the publication of the prospectus.

Waiver of compliance with section to be void.

(5) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus, shall be void.

When prospectus advertised in newspaper.

(6) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary to specify the names of original incorporators and the number of shares subscribed for by them.

Penalty

6.—(1) Every provisional director, director or other person responsible for the issue and publication of such prospectus shall for every violation of the provisions of the next preceding three sections be liable on summary conviction to a penalty not exceeding \$200 and costs, provided that no provisional director, director or other person shall incur any liability by reason of non-compliance with the said section,

(a) As regards any matter not disclosed, if he was not cognizant thereof, or

(b) if the non-compliance arose from an honest mistake of fact on his part,

And provided that in the event of non-compliance with the requirements contained in paragraph (n) of subsection



subsection 1 of section 5, no director or other person shall incur any liability in respect of such non-compliance unless it is proved that he had knowledge of the matters not disclosed.

(2) Nothing in this section or the said preceding three sections shall limit or diminish any liability which any person may incur under the general law apart from this Act. Liability under general law not affected.

7.—(1) Where any advertisement, letter-head, account or document issued or published by any corporation or any officer, agent or employe of any such corporation, purports to state the capital of the corporation, then the capital actually and in good faith subscribed and no more shall be so stated; Capital to be correctly stated in advertisements, etc.

(2) Any such corporation, officer, agent or employee who causes to be inserted an advertisement or who publishes, issues or causes to be published or issued any advertisement, letter-head, account or document which states, as the capital of such corporation any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any false statement as to the incorporation, control, supervision, management or financial standing of such corporation shall be liable, upon summary conviction, to a penalty not exceeding \$200 and costs and not less than \$50 and costs. Penalty.

(3) Any one may be prosecutor or complainant under this Act, and one-half of any fine imposed by virtue of this Act, shall, when received, belong to His Majesty for the use of the Province and the other half shall belong to the prosecutor or complainant. Who may prosecute.—application penalty.

## CHAPTER 28.

## An Act to amend The General Road Companies Act.

*Assented to 14th May, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 193, s. 74  
amended.

1. Section 74 of *The General Road Companies Act* is amended by adding at the end thereof the following paragraph:—

Exemption of  
certain vehicles  
loaded with  
straw.

10. Every person with a vehicle laden solely with straw and carrying such straw from any township to any city, town or incorporated village for the purpose of exchanging the same for manure to be brought back the same day, and the horse or horses or other beasts of draught drawing such vehicle passing any turnpike, gate or toll gate on such road within twenty miles of such city, town or incorporated village as well in going to such city, town or incorporated village as in returning therefrom, if the vehicle be then laden solely with manure.

## CHAPTER 29.

An Act to amend The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

*Assented to 14th May, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 12, of *The Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, as amended by section 1 of chapter 17 of the Acts passed in the fifth year of His Majesty's reign, is further amended by adding after the word "placed" in the second line of the said section, the following words: "or any municipality lying adjacent to or adjoining a municipality in which such works are erected or placed, may, subject to the provisions of clause *a* of section 700, of *The Consolidated Municipal Act, 1903*, as to obtaining the assent of the ratepayers, guarantee the payment of the bonds or debentures of such company or"

Rev. Stat.  
c. 199, s. 12,  
amended.

Municipalities  
taking stock  
in companies.

## CHAPTER 30.

## An Act respecting Steam, Electric and Street Railways.

*Assented to 14th May, 1906.*

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**H**IS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of On-  
tario, enacts as follows:

#### SHORT TITLE.

1. This Act may be cited as "*The Ontario Railway Act*," Short title.  
1906."

#### INTERPRETATION.

2. Where the words following occur in this Act, and in Interpretation  
of the special Act incorporating any Railway or Street Rail- of words.  
way Company, they shall be construed in the manner here-  
inafter mentioned, unless a contrary intention appears:

(1) "The Special Act," shall be construed to mean any "The Special  
Act authorizing the construction of or otherwise speci- Act."  
ally relating to a railway or street railway, whether  
operated by steam, electricity or other motive power,  
and with which this Act is incorporated; and in all  
cases where this Act is made applicable to street railways  
or street railway companies the words "the special Act"  
shall include a charter of incorporation of a street railway  
company under the Great Seal of the Province of Ontario;  
or supplementary letters patent relating to such a company.

(2) "Prescribed," used in this Act in reference to any "Prescribed."  
matter herein stated, shall be construed to refer to such  
matter as the same is prescribed or provided for in the  
special Act; and the sentence in which such word occurs  
shall be construed as if, instead of the word "prescribed,"  
the expression "prescribed for that purpose in the special  
Act" had been used;

(3)

- "The Lands." (3) "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purposes thereof;
- "The Undertaking." (4) "The Undertaking" shall mean the railway and works of whatever description, by the special Act authorized to be executed.
- "Board." (5) "Board" shall mean "The Ontario Railway and Municipal Board."
- "By-law." (6) "By-law," when referring to the act of the company shall include a resolution;
- "Costs." (7) "Costs" shall include fees, counsel fees, and expenses;
- "Lands." (8) "Land" or "lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;
- "Lease." (9) "Lease" shall include any agreement for a lease;
- "Toll." (10) "Toll" shall include any rate or charge or other payment payable under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;
- "County." (11) "County" shall include any union of counties, and any provisional judicial district;
- "County Court Judge." (12) "County Court Judge" shall include a Judge of a District Court;
- "Highway." (13) "Highways" shall mean any public road, street, lane, and other public way or communication;
- "Street." (14) "Street" shall include any highway.
- "Sheriff" (15) "Sheriff" shall include the Deputy Sheriff; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace" shall, in such case, be construed to mean the Sheriff or Clerk of the peace of the district, county, city, or place where such lands are situate; and if the lands in question, being the property of one and the same person, are situate not wholly in one district, county, city, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such district, county, city, or place where any part of such lands is situate;
- "Clerk of the Peace." (16) "Goods" shall include personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;
- "Goods." (17) A "Justice" shall mean Justice of the Peace or Stipendiary or Police Magistrate acting for the district, county,

ty, city, or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of the same person, situate not wholly in any one district, county, city or place, the word "Justice" shall mean a Justice or Stipendiary or Police Magistrate acting for the district, county, city or place where any part of such lands is situate, and who is not interested in such matter;

(18) "Owner" (where, under the provisions of this Act "Owner." or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

(19) "The company" shall mean the company or per- "The Com-  
son authorized by the special Act to construct the rail-  
way or street railway (if the section of the Act in which  
the words occur is applicable by its terms to street rail-  
ways), and shall include all persons or corporations leas-  
ing or operating any railway.

(20) "The railway" shall mean the railway and works "The Rail-  
by the special Act authorized to be constructed; way."

(21) "Street railway" shall mean a railway constructed "Street Rail-  
or operated along a highway under or by virtue of an  
agreement with or by law of a city or town, and shall  
include all portions of such railway within such city or  
town and for one and a half miles beyond the limits there-  
of. Although such one and a half miles may be constructed  
under a by-law of, or agreement with a municipality, other  
than such city or town.

(22) "Shareholder" shall mean every subscriber to or "Share-  
holder of stock in the undertaking, and shall extend to  
and include the personal representatives of the share-  
holder.

(23) "Inspecting engineer" shall mean an engineer who is "Inspecting  
directed by the Board to examine any railway or works,  
and shall include two or more engineers when two or more  
are so directed;

(24) "Working expenses" shall mean and include all ex- "Working  
penses of maintenance of the railway, and all such tolls,  
rents or annual sums as are paid in respect of property  
leased to or held by the company, apart from the rent  
of any leased line, or in respect of the hire of rolling  
stock, let to the company; also all rent charges or inter-  
est

est on the purchase money of lands belonging to the company purchased but not paid for or not fully paid for; and also expenses of or incidental to working the railway, and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company; also rates, taxes, and insurance; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors' fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account;

Traffic. (25) "Traffic" shall include passengers, goods and rolling stock.

"Train." (26) "Train" shall include any engine, motor car or other rolling stock;

"Rolling stock." (27) "Rolling stock" shall mean and include any locomotive, engine, motor, car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement, on its wheels, over or upon the rails or tracks of the company;

"Secretary." (28) "Secretary" shall mean the Secretary of the Board.

#### APPLICATION OF ACT.

Application of Act. 3.—(1) This Act shall, unless otherwise expressed, apply to all persons, companies, railways (other than Government railways) and (when so expressed) to street railways within the legislative authority of the Legislature of Ontario, and whether such railways are operated by steam, electricity or other motive power, and whether constructed and operated on highways or on lands owned by the company or partly on highways and partly on such lands, and shall be incorporated and construed, as one Act, with the special Act, subject as herein provided.

Application to street railways. (2) No section of this Act shall apply to street railways unless it is so expressed and provided.

Any section may be excepted by Special Act. 4. Any section of this Act may, by any special Act passed by the Legislature, be excepted from incorporation therewith, or may thereby be extended, limited or qualified. It shall be sufficient, for the purposes of this section, to refer to any section of this Act by its number merely.



5. If in any special Act heretofore passed by the Legislature it is enacted that any provision of *The Railway Act of Ontario* or of *The Electric Railway Act*, or of *The Street Railway Act* in force at the time of the passing of such special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner; and unless otherwise expressly provided in this Act or the special Act this Act shall apply to every railway company incorporated under a special Act or any public Act of this Province, and the sections expressly made applicable shall apply to every street railway company so incorporated, but where the provisions of the special Act and the provisions of this Act are inconsistent the special Act shall be taken to over-ride the provisions of this Act so far as is necessary to give effect to such special Act.

Or may be extended, limited or qualified.

As to exceptions, etc., previous to this Act.

Conflict between this Act and Special Act.

#### ORGANIZATION OF THE COMPANY.

##### *Offices.*

6. The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Ontario, notice thereof to be given to the Secretary of the Board who shall keep a register for the purpose.

Head office.

Change of location.

##### *Provisional Directors.*

7.—(1) The persons mentioned by name as such in the Special Act are hereby constituted provisional directors of the company, and of such provisional directors a majority shall be a quorum, and the said provisional directors, shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed and make calls upon subscribers in respect of their stock, and sue for and recover the same, and receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and enter into any agreement authorized by this Act or by the Special Act with the person or corporation making such grant, loan, bonus or gift respecting the condition or disposition thereof and cause plans and surveys to be made, and deposit in any chartered bank of Canada having an office in Ontario moneys received by them on account of stock subscribed, which

Provisional directors.

Majority quorum.

Powers.

Deposit of moneys.

moneys

moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company for any cause whatsoever.

Changes in  
board of  
provisional  
directors.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said Board of provisional directors (whether named in the Special Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

Allotment of  
stock.

(3) If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the head office of the company or at such other place in the Province of Ontario as may in the opinion of the provisional directors best suit the interests of the company.

When subscrip-  
tion for stock  
to be binding.

(4) No subscription for stock in the capital stock of the company shall be binding on the company unless it shall be approved by resolution of the provisional directors or of the directors, nor unless ten per centum of the amount subscribed has been actually paid within one month after subscription.

### *Capital.*

Capital stock  
and shares.

8.—(1) The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking.

Application of  
proceeds.

Calling first  
meeting for  
election of  
directors.

(2) So soon as twenty-five per centum of the capital stock is subscribed and ten per centum paid thereon into some chartered

chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the lawful purposes of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate, of the time, place and purpose of the said meeting.

(3) If the provisional directors neglect to call such meeting for three months after twenty-five per centum of the capital stock shall have been subscribed and ten per centum thereof paid up the same may be called by any five of the subscribers who have so paid up ten per centum and who collectively have subscribed for not less than twenty-five shares of the capital stock in the company and who have paid up all calls thereon.

When subscribers may call first general meeting.

(4) At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act; and the said board may employ and pay one of their number as managing director.

Number of directors and term of office, etc.

9. The original capital stock of the company may, with the approval of the Board, be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company, and thereupon the capital stock may, with such approval, be increased to the amount sanctioned by such vote.

Increase of capital stock.

Notice of meetings and object.

Entry in minutes.

*General Meetings.*Annual  
meetings.

10.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act, or on such day as may be fixed for that purpose by the by-laws of the company and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting.

Special  
meetings.

(2) The annual meetings shall be held at the head office of the company.

Special general  
meetings.

(3) Special general meetings of the shareholders of the company may be held at such places in the Province of Ontario and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in section 11 of this Act.

Notice of  
meetings.

11. Two weeks' public notice of any meeting of the shareholders shall be given by advertisement, in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of the newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Evidence.

What business  
may be  
transacted.

12.—(1) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened.

Votes on  
shares.

(2) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid.

Shareholders  
may vote by  
proxy.

(3) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:



I, \_\_\_\_\_, of \_\_\_\_\_, one of the shareholders  
of the \_\_\_\_\_, do hereby appoint \_\_\_\_\_ Form of  
of \_\_\_\_\_, to be my proxy, and in my absence to vote proxy.  
or give my assent to any business, matter or thing relating to the  
undertaking of the said \_\_\_\_\_ that is mentioned or proposed  
at any meeting of the shareholders of the said company, in such  
manner as he the said \_\_\_\_\_ thinks proper.

In witness whereof, I have hereunto set my hand and seal, the  
day of \_\_\_\_\_ in the year \_\_\_\_\_

(4) Any vote by proxy shall be as valid as if the constit- Majority to  
uent had voted in person, but no person shall be qualified govern.  
to be appointed a proxy who is not himself a shareholder  
in the company and every matter or thing proposed or  
considered at any meeting of the shareholders shall be  
determined by the majority of votes and proxies then  
present and given, and all decisions and acts of any such  
majority shall bind the company, and be deemed the de-  
cisions and acts of the company.

13.—(1) Copies of the minutes of proceedings and resolu- Certified  
tions of the shareholders of the company, at any annual or copies of  
special meeting, and of the minutes of proceedings and minutes, etc.  
resolutions of the directors, at their meetings, extracted  
from the minute book, kept by the secretary of the com- Evidence.  
pany, and by him certified to be true copies extracted from  
such minute books, and when sealed with the company's  
seal shall, without proof of the signature of such secre-  
tary, be evidence of such proceedings and resolutions in  
any court.

(2) All notices given by the secretary of the company by Notices by  
order of the directors shall be deemed notices by the direct- secretary  
ors of the company. valid.

### *President and Directors.*

14.—(1) A board of directors of the company to manage Election of  
its affairs, the number of whom shall be stated in the board of  
special Act, and a majority of whom shall form a quorum, directors.  
shall be chosen at the annual meeting; and if such elec-  
tion is not held on the day appointed therefor, the direc-  
tors shall cause such election to be held at a special meet-  
ing duly called for that purpose within as short a time as  
possible after the day so appointed.

(2) On the day so notified, no person shall be admitted Who entitled  
to vote except those who would have been entitled to vote to vote.  
had the election been held on the day when it ought to  
have been held.

(3) Vacancies in the board of directors shall be filled in Vacancies, how  
the manner prescribed by the by-laws. to be filled up.

Who qualified  
to be a  
director.

(4) No person shall be a director unless he is a shareholder, owning at least ten shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Term of office  
of directors.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors.

Vacancies,  
how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the remaining directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Vice-President.

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority  
to bind the  
whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

Directors to be  
subject to  
shareholders  
and by-laws.

15. The directors shall be subject to the control of the shareholders at their annual meetings, and to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act.

Contractors  
with company  
not to be  
directors.

16. No person concerned or interested in any contract under or with the company, or being a surety for any contractor shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contrac-

tor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit accruing to such director, provisional director or promoter from the contract so made or fulfilled.

17. The directors may make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and for prescribing their respective duties and salaries. By-laws for management of Company.

18. The directors may from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. May appoint officers.

19. The directors may by by-law or resolution provide for the retirement of such of the company's officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service and under the circumstances, consider just and reasonable. Retirement of officers, etc.

20. The directors may be paid such reasonable remuneration for their services as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. Remuneration of directors.

21. In case of the absence or illness of the president, the vice-president, and in case of the absence or illness of the president and vice-president a director appointed for that purpose shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by this Act are required to be signed, performed and done by the president. Acting president.

22. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons Absence of president may be entered in the minutes, and certified, etc. requiring

requiring the same on payment to the treasurer of \$1, and such certificate shall be taken and considered as *prima facie* evidence of such absence, or illness at and during the period in the said certificate mentioned in all proceedings in courts of justice or otherwise.

Directors to  
cause annual  
accounts to be  
kept

23. The directors shall cause to be kept, and annually on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or manager thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company.

### Calls.

Calls.

24.—(1) The directors may from time to time make such calls of money not exceeding ten per centum of the amount subscribed upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year than the amount prescribed in the special Act, but nothing herein contained shall prevent the directors from making more than one call by one resolution of the board: Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed and given.

Notice of  
meetings, how  
published.

(2) All notices of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*

Payment of  
calls, how to  
be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors.

Interest to be  
chargeable on  
unpaid calls.

(4) If, before or on the day appointed for payment any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call  
may be  
recovered by  
suit.

(5) If at the time appointed for the payment of a call, a shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.



(6) In an action to recover money due upon a call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

What formalities necessary in actions for calls.

### *Shares and their Transfer.*

25.—(1) Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry whereof shall be made in a book to be kept for that purpose, and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered.

Shares may be transferred.

(2) Transfers may be in the form following, varying the same, as the case may require:—

Form of transfer.

I, A. B., in consideration of the sum of \_\_\_\_\_ paid to me by C. D., hereby do sell and transfer to him \_\_\_\_\_ share (or shares) of stock of the \_\_\_\_\_, to hold to him the said C. D., his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I the said C. D. do hereby agree to accept the said \_\_\_\_\_ share (or shares) subject to the same rules, orders and conditions.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year 19 \_\_\_\_\_.

26. The stock of the company shall be personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Shares to be personal estate—transfer of.

27. If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; without which such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof

Transmission of shares, other than by transfer, provided for.

Company not bound to see to execution of trusts.

28. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more persons than one, the receipt of one of the persons named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trust; and the company shall not be bound to see to the application of the money paid upon such receipt.

Certificate of proprietorship *prima facie* evidence.

29.—(1) The certificate of proprietorship of a share shall be admitted in all Courts as *prima facie* evidence of the title of any person, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.  
Penalty for refusal to pay calls.

(2) The want of such certificate shall not prevent the holder of any share from disposing thereof.

(3) Shareholders neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(4) No advantage shall be taken of the forfeiture unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture occurred.

Effect of forfeiture as to liabilities.

(5) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Sale of forfeited shares.

30. The directors may sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders either at the general meeting at which such shares were declared to be forfeited or at any subsequent general meeting.

Limitation.

31. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account  
of

of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

32. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, in such manner as if such calls had been duly paid.

Payment of  
arrears before  
sale.

33. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and if the certificate so states, of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any share so sold.

Certificate of  
treasurer to be  
evidence of  
forfeiture, and  
of title in  
purchaser.

34. Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon; but such interest shall not be paid out of the capital subscribed.

Interest on  
advance made  
by shareholder  
to company.

No interest to  
be paid out of  
capital.

#### *Shareholders.*

35. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in

Shareholders  
individually  
liable till shares  
paid up

in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Account of names and residence of shareholders to be kept.

36: A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being and such account shall be open to the inspection of the shareholders.

Rights of aliens.

37. Aliens, and companies incorporated abroad as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and, corporations excepted, shall also be eligible to office as directors in the company.

#### *Preference Stock.*

Preference stock by-law for issuing.

38.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to elect a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy, at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company the company may petition the Board for an order approving the said by-law, and the Board may approve thereof and from the date of such approval the by-law shall be valid and may be acted upon.

Special proviso.

Rights and liabilities of preference shareholders.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.



(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company. Rights of creditors preserved.

### *Dividends and Interest.*

39.—(1) The directors may, at a general meeting, declare a dividend to be paid out of the net profits of the undertaking. Declaration of dividends.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively. Division of profits.

40. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval; and the directors may invest the sum so set apart as a reserve fund in such securities as they select, not however inconsistent with this or the special Act. Reserve fund.

41. No dividend shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call has been paid; but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. Dividend not to impair capital, etc.  
Interest may be paid on calls pending opening of road.

42. The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. Arrears may be deducted from dividends.

### *Bonds, Mortgages, and Borrowing Powers.*

43.—(1) The directors of the company, under the authority of the shareholders, to them given at any special meeting, called for the purpose in the manner provided by this Act, or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting, and at which Issue of bonds authorized.

meeting

## Procedure.

meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the Special Act contained, issue bonds, debentures, perpetual or terminating debenture stock, or other securities, signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be engraved; and such securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per cent. per annum, as the directors think proper.

## When and where payable. Interest.

## Limit of bonding powers.

(2) Such bonds, debentures or other securities shall not exceed the amount authorized by the special Act and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

## Raising money on bonds.

(3) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

## Bonds not to be for less than \$100.

(4) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

## Right to issue bonds to be a continuous right.

(5) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

## Mortgages securing bonds, etc.

44.—(1) The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway.

(2) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act,

Act, or may restrict the said holders in the exercise of any power, privileges or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(3) The company may except from the operation of any such mortgage deed any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company, but where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the section or portions of the railway, not intended to be included therein or conveyed thereby.

Mortgages may be limited.

(4) Every such mortgage deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Board, of which deposit notice shall forthwith be given in the *Ontario Gazette*. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property.

Mortgage to be deposited with Provincial Secretary and notice given.

(5) A copy of any such deed or instrument so deposited, certified to be a true copy by the Secretary, shall be received as *prima facie* evidence of the original in all courts without proof of the signature of such official.

Evidence.

45. The bonds, debentures, or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as hereinbefore provided.

Bonds, etc., how ranked.

46. Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

Bondholders, etc., to be Mortgagees.

47.—(1) If the company makes default in paying the principal or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same

Rights of holders of bonds, etc., upon default in payment.

same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

Right of  
bondholder,  
etc., to vote  
at meetings.

(2) Each such holder of bonds, debentures or other securities shall, for the purpose of voting at any such meeting, be deemed to be a shareholder and shall be entitled to as many votes as if he held shares in the company on which all calls had been paid, equal at a par valuation, to the amount of such bonds, debentures or other securities so held by him, and may vote by proxy in like manner and to the same extent as a shareholder, but no person who is not himself a bondholder or shareholder in the company shall be qualified to be appointed a proxy.

When right  
of voting  
may be  
exercised.

(3) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

Other rights  
under  
mortgage deed  
preserved.

(4) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Bonds, etc.,  
mode of  
transfer of.

48. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Power to  
borrow money  
by overdraft,  
etc

49. The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange or otherwise upon the credit of the company and become party to promissory notes and bills of exchange; and every such note or bill made, drawn, accepted or endorsed, by the president



or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer of the company, so authorized be individually responsible for the same, unless such promissory note or bill of exchange has been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

No seal  
necessary.

Notes not to  
be payable  
to bearer.

50. The sections relating to "Organization of the company," being sections numbers 6 to 49 inclusive, shall apply to street railway companies.

Application  
of ss. 6-49  
to street  
railway  
companies.

#### POWERS.

51. Subject to the provisions of this Act and the special Act the company shall have power and authority—

Powers:

(1) To survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or a railway or street railway to be operated by electricity, with double or single tracks;

(2) To receive, take and hold all voluntary grants and donations of land or other property or any bonus of money or debenture or other benefit of any sort made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only;

To receive  
grants of  
land, etc.;

(3) To purchase, take and hold of any person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same so soon as, for any reason, it has become not necessary for the purposes of the company.

Purchase  
land;

(4) To construct, maintain and work the railway across along or upon any stream of water, water course, canal or highway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness; but this shall not authorize the obstruction of the navigation of any navigable water;

And across or  
along streams,  
etc.

Warehouses,  
docks, etc.

(5) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, and offices and to sell and convey such land as may be found superfluous for any such purpose, and to purchase and acquire stationary or locomotive engines, motors, carriages, waggons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; and to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Branch rail-  
ways;

(6) To make branch railways, if required and provided for by the special Act, and to **manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;**

Convey per-  
sons and goods  
on railway;

(7) To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation;

Enter upon  
lands, etc. ;

(8) To enter into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and, with the consent of the Lieutenant-Governor in Council in that behalf, into and upon any lands of His Majesty the property of this Province;

Make survey  
of lands;

(9) To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway;

Remove trees.

(10) To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof. The company shall make full compensation to the owner of any tree so cut down and the amount of such compensation shall on the application of the owner be determined by the Board;

Construct  
embankments,  
bridges, drains  
fences, etc.

(11) To make or construct upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

Divert high-  
ways and  
waterways.

(12) To divert, or alter, as well temporarily as permanently, the course of any such river, stream, watercourse, or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

(13) To make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway; Construct drains.

(14) With consent of the Board after notice to any person interested, to divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone, or electric lines, wires or poles; Divert drains, pipes, and wires.

(15) With consent of the Board after notice to any person interested, from time to time to alter, repair or discontinue the before-mentioned works, or any of them, and substitute others in their stead; Alter and substitute other works.

(16) To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and the amount of compensation to be made therefor, the point and manner of such crossing and connection, shall be determined by the Board as provided by this Act; Unite with other railways;

(17) To do all other acts necessary for the construction, maintenance and operation of the railway in pursuance of and according to the meaning and intent of this Act, and of the special Act. Other necessary Acts.

52. The provisions for the ascertainment of compensation contained in subsection 16 of section 51 of this Act shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined or united with a railway under the legislative control of Canada. Application of last preceding two subsections.

53. The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein or in the Special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers. Compensation for damage.

54.—(1) The railway company shall not take possession of, use or occupy any lands belonging to the Province, without the consent of the Lieutenant-Governor in Council; but with such consent such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Province lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of any Occupy public lands, beaches, etc.

any lake, river, stream or canal, or of their respective beds. as is necessary for making and completing and using their said railway and works;

(2) The extent of the public beach or of the land covered with water of any river or lake in the Province of Ontario taken for the railway shall not exceed the quantity limited in section 60 of this Act.

Changes may be made in the line of a railway at any time for certain purposes.

55. A company which desires at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may, with the leave of the Board, make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the special Act.

### *Telegraph and Telephone Lines.*

Telephone and telegraph lines

56.—(1) Except as provided in subsections 3 and 4 of this section the company may construct and operate an electric telegraph line and a telephone line throughout and along the whole line of railway, and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without an agreement with the council of such city, town or village being first obtained by the company; provided, also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. Provided also that in case the parties are unable to agree, the terms and conditions upon which such poles may be erected shall be determined by the Board.

Proviso.

Proviso.

Municipal telephone systems, connections with.

(2) Whenever any municipal corporation or person has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company, in such district, and cannot agree with the company with respect thereto, such municipal corporation or person may apply to the Board for leave therefor, and the Board may order the company to provide for such connection or communication upon such terms as to compensation as the Board deems just and expedient, and may



may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

(3) No lines or wires for the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board. Wires, etc., across railway.

(4) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and the works contemplated in connection therewith; and the Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order. Plans to be submitted to Board.  
Order by Board.

(5) As soon as practicable after its organization the Board shall promulgate rules and regulations and standard plans and specifications to be adhered to in carrying lines of wires to be used for telephone and telegraph purposes across the railway, and no lines of such wires shall thereafter be carried across the railway in any other way or on any other terms without the leave of the Board first obtained, provided the Board may, from time to time, amend or change as to it may seem fit such rules, regulations and standard plans and specifications, but such rules, regulations, plans and specifications and amendments or changes thereto and thereof shall not affect crossings made before their adoption by the Board; provided, further, that in special cases on the application of any person or corporation to be affected by such crossing the Board may order that such crossing shall be made in some other manner than that prescribed by the standard plans and specifications, and by whom and how and when and on what terms and conditions and under what supervision such work shall be executed, and upon such order being made such lines and wires may be erected, placed and maintained across the railway, subject to and in accordance with such order. General rules and regulations of Board.  
Proviso.

### *Interchange of Traffic.*

57.- (1) The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those

objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders, voting in person or by proxy.

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

(2) Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway or which has a terminus, station or wharf of the one near a terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

Penalty on companies or their officers refusing or neglecting to forward traffic, as above required.

(3) If any officer, servant or agent of a railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the next preceding subsection—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such

How recoverable, and how to be applied.

15a s.

neglect

neglect or refusal, incur a penalty not exceeding \$50 over and above the actual damages sustained.

(4) In case any company or municipality interested is unable to agree as to the regulation and interchange of traffic or in respect of any other matter in this section provided for, the same shall be determined by the Board.

(5) All complaints made under this section shall be heard and determined by the Board.

(6) This section shall apply to such street railways as may from time to time be determined by the Board.

*Amalgamation and Running Arrangements with other Companies.*

58.—(1) The company shall have the power to agree <sup>Agreements with other companies.</sup> for connection and making running arrangements with any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon terms to be authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into any agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway or the use thereof or for the sale or leasing or hiring any engines, locomotives, motors, carriages, or cars or any of them or of any part thereof or touching any service to be rendered by one company to the other and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof subject to sub-section 3 of this section, and the company purchasing, leasing or entering into such agreement for using the said railway may and is hereby authorized to work the said railway in the same manner as if incorporated with its own line.

(2) The company may contract and agree with any other railway company the lines of which are approached or crossed by the line or lines of the company if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by vote of the shareholders in person or by proxy representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid at a general meeting specially called for that purpose.

Agreements to be subject to approval by board.

(3) No such agreement for amalgamation, connections, running arrangements, sale, leasing or hiring of the railway or any portion thereof shall be of any force or effect until approved by resolution of the Board, and every such agreement shall be subject to such terms, conditions and regulations, general or special, as the Board may from time to time order.

Application to street railways.

(4) This section shall apply to such street railways as may from time to time be determined by the Board.

#### PLANS AND SURVEYS.

Plans and books of reference.

59. Plans and surveys and books of reference shall be made and corrected as follows:

(1) Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

- (a) A general description of the said lands;
- (b) The names of the owners and occupiers thereof, so far as they can be ascertained; and
- (c) Everything necessary for the right understanding of such map or plan.

Certifying map or plan and book of reference.

(2) The map or plan and book of reference shall be examined and if in all respects satisfying the provisions of this Act and the special Act shall be certified by the Board who shall keep one copy thereof on file in the office of the Board.

Registration of map or plan and book of reference.

(3) The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the registry offices of such districts or counties respectively.

Copies.

(4) Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Secretary, or to the Registrar, at the rate of ten cents for every hundred words so extracted or copied. Any person feeling aggrieved by the proposed location of the line of railway may within ten days after the deposit of the map or plan and book of reference aforesaid in the registry office of the district or county where the lands are situated, the loca-

Appeal against proposed location of line.

tion



tion through which is complained of, apply to the Board, setting forth his objections to the location of the proposed line, and the Board shall if it considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights of all parties and of the public. The determination of the engineer approved by the Board shall, within ten days after his appointment, be made and certified, and such certificates shall be filed in the office of the Registrar for the district or county where the lands are situated.

(5) The said engineer shall be entitled to reasonable fees Fees and expenses of engineer. for each day employed in connection with the said examination and work, together with his actual expenses incurred therein, and the amount shall in the first instance be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid.

(6) Any omission, misstatement or erroneous description Omissions how remedied. of such lands or of the owners or occupiers thereof, in a map or plan or book of reference, may on application by any party interested and after giving ten days' notice to the owner of the lands, be corrected by the Board on application made to them for that purpose, and if it appears to them that the omission, misstatement or erroneous description arose from mistake the Board shall certify the same accordingly.

(7) The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited Contents of certificate. in the registry office of the district or county respectively in which such lands are situate and kept in such registry office along with the other documents to which they relate; and thereupon the map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may construct and lay out the railway in accordance with the certificate.

(8) If any alterations from the original plan or survey Alterations from original survey. are intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations as have been approved of by the Board, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of the plan and section, so far as they relate to the several districts or counties

counties in or through which the alterations have been authorized to be made, shall be deposited in the registry offices of such districts or counties.

General provisions respecting plans, etc.

Must be signed.

Board may refuse unsatisfactory plans.

Further plans as Board requires.

Registrar of Deeds to receive copies of original plan, etc.

Certified copy of maps, etc., to be taken as evidence.

Line not to deviate more than a mile.

(9) All plans, profiles and books of reference required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and of such character, as the Board may, either by general regulation, or, in any case, require or sanction, and shall be certified and signed by the president or vice-president or general manager and also by the engineer of the company; and any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board. Unless and until such plan, profile and book of reference is so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board within the meaning of this Act.

(10) In addition to such plans, profiles and books of reference, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other, or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require.

(11) The Registrar of Deeds shall receive and retain the copies of the original plans and surveys and books of reference and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of \$4.

(12) A copy of the said maps, plans, profiles and books of reference or portions thereof certified by the Registrar of Deeds or the Secretary shall in all courts be evidence that such original document was so deposited at the time stated and certified, and shall be *prima facie* proof of the original so deposited, and that the same was signed, certified, attested, or otherwise executed, by the persons, by whom, and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing by such certified copy, and in the case of a plan, that such plan is prepared according to a scale, and in manner and form, sanctioned by the Board.

(13) No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made into, through, across, under or over any part

part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the special Act.

(14) The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands.

Error in the name of a person entered in a book of reference.

(15) A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Board and like maps of the parts thereof located in different counties shall be filed in the registry offices for the registry divisions in which such parts are respectively situate.

Map, etc., of railway to be filed in the office of the Board.

#### TAKING OF LANDS WITHOUT THE CONSENT OF THE OWNERS.

60. The lands which may be taken without the consent of the owner:—

Extent of land which may be taken.

For the right of way shall not exceed one hundred feet in breadth except in places where the rail level is or is proposed to be, more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For right-of-way.

For stations, depots and yards, with the freight sheds, warehouses, wharves, elevators and other structures for the accommodation of traffic incidental thereto, shall not exceed one mile in length by five hundred feet in breadth, including the width of the right of way.

For stations, etc.

61.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof.

Corporation, etc., may convey lands.

(2) The powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, shall only extend and be exercised

Limitation of powers in certain cases.

cised with respect to any of such lands actually required for the use and occupation of the company.

Effect of sale under preceding section.

62. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act.

Disposition of purchase money.

63. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court.

Effect of contracts made before deposit of map.

64. Any contract or agreement for the sale to the company of any lands made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall if duly registered in the proper Registry Office be binding upon subsequent purchasers of such lands at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Corporations or persons, who cannot sell, may agree upon a fixed rent.

65. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper registration district.

After one month's notice of deposit of

66. After ten days from the deposit of the map or plan and book of reference, and from notice thereof in  
at



at least one newspaper, if there is any, published in each of the counties through which the railway is intended to pass, application may be made to the owners of lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such owners touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them shall be settled as in section 68 mentioned.

map, etc., application to the owner of lands.

67. The deposit of a map or plan and book of reference, and the notice of the deposit, shall be deemed a general notice to all such persons as aforesaid of the lands which will be required for the railway and works.

Deposit, etc., to be general notice.

68.—(1) A notice shall be served upon the owner which shall contain:—

Notice to opposite party.

- (a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them):
- (b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and
- (c) The name of a person to be appointed as the arbitrator of the company, if the offer be not accepted.

(2) The notice shall be accompanied by the certificate of an Ontario Land Surveyor, disinterested in the matter and not being the arbitrator named in the notice to the following effect:—

Certificate of O.L.S. to accompany notice.

- (a) That the land (if the notice relates to the taking of land,) shewn on the map or plan, is required for the railway, (or is within the limits of deviation by this Act allowed;)
- (b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
- (c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

(3) If the owner is absent from the district or county in which the lands lie, or is unknown, then upon application to a Judge of the County Court of the County in which the lands lie, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that such owner is so absent, or that, after diligent inquiry, the owner

If the party is absent or unknown.

on

on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in some newspaper published in the said county.

Provision when the County Judge is interested in lands required for any railway.

(4) Where a Judge of a County Court is interested in lands taken or required within the county in which he is a Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which such Judge of a County Court is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the person served does not notify the company of his acceptance of the sum offered by it, or notify it of the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the company, appoint an Ontario Land Surveyor, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party. Third. arbitrator.

(6) If the opposite party within the time aforesaid, notifies the company of the name of his arbitrator, the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Party other than company commencing proceedings to determine compensation.

(7) If lands have been entered on and taken by the company with or without the license of the person in possession thereof and without any agreement as to the compensation to be paid therefor or if the lands, though not taken, are injuriously affected by or through the construction of the railway, any owner or person interested in such lands shall have the right to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as are prescribed in cases where the company commences proceedings.

Stating amount found payable in award.

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall state what they find to be the total amount to be paid to compensate the owner or for damages.

Duties of arbitrators.

(9) The arbitrators, or any two of them, or the sole arbitrator, being sworn before a Justice of the Peace or commissioner empowered to take affidavits, faithfully

fully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

(10) In any arbitration under this Act the costs of the arbitration shall be in the discretion of the arbitrator or arbitrators and if they are to be borne by the opposite party to the company may be deducted from the compensation awarded, and in any case they may if not agreed upon be fixed by the arbitrator or arbitrators or taxed by one of the taxing officers of the Supreme Court of Judicature.

Costs, in discretion of arbitrators.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Arbitrators may examine on oath.

(12) Any party to an arbitration under this Act may, without leave or order, obtain and issue out of the High Court, upon *præcipe*, setting forth the names of the witnesses to be subpœnaed, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued in a civil case.

Parties to arbitrations may obtain subpœnas.

Disobedience thereto to be contempt of Court.

(13) The like fees shall be payable for such subpœnas as in the case of subpœnas issued in civil cases, and the witnesses shall be entitled to the like conduct money.

Fees and conduct money.

(14) The evidence shall be taken down in writing, and after making their award the arbitrators shall forthwith deliver or transmit by registered letter, at the request of either party in writing the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the central office of the High Court of Justice with the proper stamps (which shall be furnished by the party making the request) to be filed with the Records of the Court.

Evidence to be taken in writing.

Depositions transmitted to central office.

(15) The Judge by whom a third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made.

Time within which award must be made.

Arbitrator  
dying, etc.

(16) If the arbitrator appointed by the Judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, or refuses or neglects to make his award within the time fixed, then, in the case of the arbitrator appointed by the Judge, upon the application of either party, such Judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case, provided that the proceedings may be commenced *de novo* if the majority of the arbitrators so order.

When proceed-  
ings may be  
abandoned.

(17) Any notice given or proceedings commenced may prior to the making of the award be abandoned and new notice given, with regard to the same or other lands, to the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of the giving of the first notice shall continue; provided, however, that the right to abandon proceedings shall not be exercised more than once.

Awards not  
voided for  
want of form.

(18) No award made as aforesaid shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the person or persons, to whom the sum is to be paid, be named in the award.

Parties to ar-  
bitration may  
appeal to a  
Judge of the  
High Court.

(19) Any party to the arbitration may, within one month, after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of the appeal the Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and  
proceedings  
upon appeal.

(20) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from an Official Referee under *The Arbitration Act*, subject to any General Rules or Orders to be from time to time made under *The Judicature Act*.

Existing prac-  
tice as to set-  
ting aside  
awards con-  
tinued.

(21) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession  
may be taken  
on payment or  
tender, etc., of  
sum awarded.

(22) Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the person entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in  
the



the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge of the county in which the lands lie, or any Judge of the High Court of Justice may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff, taking with him sufficient assistance, shall accordingly do.

(23) The warrant may also be granted by such Judge without the award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed.

When warrant of possession may issue before award.

(24) The Judge shall not grant any warrant under the next preceding subsection, unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land or interested in the land sought to be taken, or which may suffer damage from the taken of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company; and unless the company gives security to his satisfaction by payment into court of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than double the amount mentioned in the notice served under subsection (1) of this section.

Procedure upon application for such warrant.

Deposit of compensation.

(25) The costs of any such application to, and of any such hearing before, the judge, shall be in the discretion of the Judge, and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award

Costs of application.

(26) The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a party not entitled to receive the same, saving always its recourse against such party.

When compensation to stand in the place of the land.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(27) If the company has reason to fear any claim or incumbrance, or if any person to whom compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may, by leave of a Judge of the High Court of Justice, pay the compensation into the office of the Accountant of the Supreme Court of Judicature, together with interest thereon for six months, and with such further sum if such Judge so directs as may, in the opinion of such Judge, be sufficient to cover the expenses of advertising and the costs that may be incurred in consequence of such payment into Court, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

What notice to be published.

(28) A notice, in such form and for such time as a Judge of the High Court may order shall be inserted in some newspaper if there is any published in the county in which the lands are situated, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing any persons so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudicated upon by the Court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and encumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as may be proper.

By whom costs to be paid.

(29) The costs of such proceedings shall be paid by such party as the Court may order.

When interest to be returned to, or paid by the company.

(30) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company; and if from any error, fault or neglect of the company, is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right.

#### *Gravel Pits, etc.*

Acquiring materials for construction

69.—(1) When stone, gravel, earth, sand or water is or are required for the construction or maintenance of the railway or any part thereof, the company may in case it cannot

cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and it shall serve a copy thereof, with its notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway, and all the provisions of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time it shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

(2) When said gravel, stone, earth, sand or water shall be taken under the preceding subsection of this section at a distance from the line of the railway the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be; and all the provisions of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Siding to  
gravel pit.

#### *Switches and Sidings to Industries.*

70.—(1) In case the council of a municipality by by-law declares that it is desirable and expedient that an elevator or manufactory or other industry or business should have a siding or switch from any railway to the premises of such elevator, manufactory, industry or business, and that the company should have powers of expropriation for the purpose of securing, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the Board certifies that the building of the proposed siding or switch across the lands as set forth in the by-law will be for the advantage or convenience of the public, the company, upon the registration by the council of the by-law and certificate in the proper Registry Office, shall in respect

Expropriation  
with consent  
of municipi-  
pality in  
certain cases.

Proviso.

respect of the said lands, possess the powers of expropriation conferred by this Act. Provided, however, that no such by-law shall be passed by the council of any municipality until all owners of lands, across which the proposed siding or switch is to run, have had at least one week's previous notice in writing of the time when such by-law is to be considered by the said council.

Tracks, etc.,  
not to be used  
for other  
purposes.

(2) The tracks of the sidings or switches constructed or laid by the company under this section shall not be used for any purpose other than for the purposes mentioned, except by leave of the Board and subject to such terms and conditions as the Board sees fit to impose.

### *Purchase of More Land than Necessary.*

When com-  
pany may  
purchase  
whole of any  
lot of land  
traversed.

71. Whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on more advantageous terms, than it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity, and upon such purchase may sell and dispose of any part thereof which may be unnecessary for the undertaking.

### *Snow Fences, Etc.*

Erection of  
snow fences.

Compensa-  
tion.

Removal.

72. Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as are thereafter established, in the manner provided by this Act, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following.

### *Use of Adjacent Lands During Construction.*

Use of lands  
adjoining right  
of way during  
construction  
or repair of  
railway.

73. The company, either for the purpose of constructing or repairing its railway or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained,



tained, pay into Court, such sum, with interest thereon for six months, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of the High Court. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award; the surplus, if any, thereafter remaining shall by order of the judge, be repaid to the company, and any deficiency therein to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award.

Deposit where consent of owner not obtained.

Compensation.

*Proceedings where more ample space is required.*

74.—(1) Should the company require, at any point on the railway, more ample space than it then possesses or may take under this Act, for the convenient accommodation of the public, or the traffic on its railway, or for protection against snowdrifts, it may apply to the Board for authority to take the same, for such purposes, without the consent of the owner.

Where more ample space required.

(2) The company shall give ten day's notice of such application to the owner or possessor of such lands, and shall furnish copies of such notices, with affidavits of the service thereof, to the Board upon such application.

Procedure thereon.  
Notice.

(3) The company, upon such application, shall also furnish to the Board, in duplicate,—

What application must include.

(a) A plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as provided in section 59 of this Act.

(b) An application, in writing, for authority to take such lands, certified and signed by any of the officers mentioned in subsection 9 of section 59 of this Act, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands are required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

(4) After the time stated in the aforementioned notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for. Such authority shall be executed in duplicate, one to be filed with the plan, profile, book of reference, application and notices

Authority from Board.

Deposit with Board.

with the Board, and the other, with the duplicate plan, profile, book of reference and application. to be delivered to the company.

Deposit with registrar of deeds.

(5) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Sections of Act to apply.  
Exceptions.

(6) All the provisions of this Act applicable to the taking of lands for the right of way, or main line, of the railway without the consent of the owner of such lands, shall apply to the lands authorized to be taken under this section.

#### CONSTRUCTION OF THE RAILWAY.

##### *Gauge.*

Gauge.

75. The tracks of every railway and street railway, the construction of which railway or street railway shall be commenced after the coming into force of this Act, shall be of the standard gauge of four feet eight and one-half inches, unless the Board upon the application of the railway or street railway company about to commence construction as aforesaid shall otherwise order.

##### *Trains, Cars and Appliances.*

Communication with engine driver.

76.—(1) In all trains there shall be an apparatus or appliance to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver or motor man.

Brakes.

(2) All brakes shall be of such design and construction as to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and on all the trains carrying passengers the system of brakes shall comply with the following requirements:—

On trains carrying passengers the brakes must—  
Be continuous and instantaneous.

(a) The brakes shall be continuous and must be instantaneous in action, and capable of being applied at will by the motor man, engine driver, conductor or brakeman;

Be self-applying in case of accident.

(b) The brake must be self-applying in the event of any failure in the continuity of its action;

Couplers.

(3) All couplers shall be such as to securely couple and connect the cars composing the train, and to attach the engine or locomotive to such train, automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars;

(4) All box freight cars of the company built after the passing of this Act, shall be equipped with the following attachments for the security of railway employees:—

Box freight cars to be provided with ladders, etc.

(a) Outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of the ladder below the frame, the ladders being placed close to the ends and sides to which they are attached;

(b) Hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladder.

(5) All cars built prior to the passing of this Act shall be fitted with such attachments before the first day of January, 1907, provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, then the Board may require any of such cars not already fitted with the side attachments first mentioned, to be fitted with the said improved attachment.

Cars to be equipped with side attachments before 1907.

(6) Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines in accordance with any standard from time to time adopted by competent railway authorities.

Height of draw-bars

(7) Every passenger, baggage, mail and express car, which is owned or regularly used on any railway in this Province, in which heating apparatus may be placed, shall be provided with such safeguards against fire as the board in writing shall from time to time approve.

Safeguards against fire in cars.

(8) Every company shall provide and cause to be used on all trains such modern and efficient locomotives, motors, cars and carriages, apparatus, appliances and means as may be required or ordered by the Board, and the company shall alter such locomotives, motors, cars and carriages, apparatus, appliances and means or renew the same from time to time as the Board may order.

Train equipment to be provided

(9) Every company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty, a sum not exceeding two hundred dollars, for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person: Provided however that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the Board first obtained.

Penalty for non-compliance.

Damages

Agreements to contrary invalid.

Consent to prosecution.

Locomotives  
to have bells  
or whistles.

77. Every locomotive, engine and electric locomotive shall be furnished with a bell of at least thirty pounds weight or with a steam or air whistle.

Gongs and  
whistles.

78. Every car which contains a motor or which runs at the head of a train shall be furnished with a gong, to be approved by regulation of the Board, or with an air whistle.

Protection of  
conductors and  
motormen.

79.—(1) All cars in use for the transportation of passengers in November, December, January, February, March and April in each year, which, while in motion, require the constant care or service of a motorman upon the platforms of the car or upon one of them, shall have their platforms so enclosed as to protect the motormen from exposure to wind and weather in such manner as the Board shall approve.

(2) All companies operating their cars without rear end vestibules shall allow the conductors employed on such cars to stand inside the cars so far as is consistent with the proper performance of their duties during the said period.

(3) Every motor car built after the passing of this Act designed for carrying passengers upon a railway operated by electricity shall be so constructed that the motorman having the control of the motive power shall be stationed in a compartment into which no person shall be admitted save the officers or employees of the company on duty, and no person other than such officers or employees shall be permitted to occupy any portion of such compartment or vestibule.

(4) Any company offending against the provisions of this section shall be liable to a penalty of one hundred dollars for each offence and any person offending against the provisions of this section is liable on summary conviction to a fine of not less than two dollars nor more than fifty dollars or imprisonment for not more than one month with or without hard labour or both.

(5) This section shall only apply to railways operated by electricity, and street railways.

Power to  
modify require-  
ments of  
sections 76-79.

80. The Board may by order applicable either generally or in one or more particular cases, alter or modify, any of the requirements of sections 76 to 79 hereof.

Stopping  
places.

81. Railways operated by electricity shall stop at such places in addition to those fixed by the by-laws or regulations of the company as the Board may from time to time by resolution direct and order.



82.—(1) Open or summer cars, constructed after the <sup>Open cars.</sup> first day of January, 1907, for use upon a railway operated by electricity or upon a street railway shall be so arranged or constructed that the seats for passengers will face the front of the car when in motion, and an aisle sufficiently wide to allow the passage of the conductor shall be provided in every such car.

(2) The side steps on such cars shall be so constructed, if <sup>Side steps</sup> practicable, that passengers will be prevented from standing upon the same while the car is in motion.

(3) This section shall apply only to railways and street <sup>Application of</sup> railways not yet constructed and to railways and street <sup>section.</sup> railways already constructed where the space between the tracks commonly called the devil strip is, in the opinion of the Board, sufficiently wide to allow the cars to be constructed as provided in subsection 1 of this section.

(4) In all cases of dispute between a railway or street <sup>Disputes to be</sup> railway company and a municipal corporation or any <sup>settled by</sup> person making complaint to the Board as to sufficiency of <sup>Board.</sup> width, practicability of construction of cars or as to any other matter or thing referred to in this section, the Board shall be the final judge, and any order made by the Board as to any such matter shall be carried out and fulfilled by the company and the municipal corporation or either or both of them according to the terms of such order.

(5) No passenger shall stand upon the side steps of any <sup>Passengers not</sup> car for a greater length of time than is necessary to enable <sup>to stand on side</sup> him to enter or leave the same, and any person offending <sup>steps.</sup> against the provisions of this subsection shall incur a penalty of not less than \$2 or more than \$10 besides costs to be recovered on summary conviction.

#### THE ROAD BED AND ADJACENT LANDS.

#### *Frogs, Packing, etc.*

83.—(1) In this section the expression "packing" means <sup>Interpretation.</sup> a packing of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

(2)

Packing of  
frogs, etc.

(2) The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

Packing of  
wing-rails, etc

(3) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail; provided however, that the Board may allow the filling and packing mentioned in this section to be left out, from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines.

Exception in  
after cases.

Oil cups.

(4) The oil cups or other appliances, used for oiling the valves of every locomotive in use upon any steam railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves.

### *Drainage.*

Drainage by  
company.

84.—(1) The company shall in constructing the railway make and maintain suitable ditches and drains along each side of, and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the said lands shall not be obstructed or impeded by the railway.

Necessary  
drainage may  
be ordered by  
Board

(2) Whenever any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands, or whenever any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or lands of the company, the Board may, upon the application or complaint of the municipality or landowner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to

inspect

inspect the locality in question and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board; the Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests.

85.—(1) Whenever by virtue of any Act of the Province of Ontario proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, or for the construction, enlargement, improvement or extension of any ditch or watercourse upon or across the property of any landowner in the Province, proceedings may be had or taken under such Act by such municipality or landowner for the construction, enlargement, improvement or extension of the ditch or watercourse upon and across the railway and lands of the company, at the option of such municipality or landowner, in the place of the proceedings before the Board as in the next preceding section provided, and thereupon such Act shall apply to the lands of the company upon or across which such drainage or other work is required, to the same extent as to the lands of any landowner, subject, however, to any previous order or direction of the Board made or given with respect to drainage of the same lands, and provided that the company shall have the option of constructing the portion of any drain or drainage work, or ditch or watercourse, required to be constructed upon, along, under or across its railway or lands, and in the event of the company not exercising such option, and completing such work within a reasonable time, without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are to be constructed under the provisions of such Act; provided always that no drainage works or ditch or watercourse shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works or the specifications or plans thereof have been first submitted to and approved of by the Board.

Drainage proceedings under Provincial Acts.

Approval of Board.

(2) The proportion of the cost of the drain or drainage works, or of such ditch or watercourse, across or upon the railway to be borne by the company shall in all such cases be based upon the increase of cost of such work caused by the construction and operation of the railway.

Cost of work.

### *Farm Crossings.*

86.—(1) Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper

Farm crossings.

proper for the crossing of the railway for farm purposes. In crossing with live stock, such live stock shall be in charge of some competent person, who shall use all reasonable care and precaution to avoid accidents.

Necessary crossings may be ordered by Board.

(2) The Board may, upon the application of any land-owner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, on either side of the railway, and safe in the public interest; and may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained.

### *Fences, Gates and Cattle-guards.*

87.—(1) The company shall erect and maintain upon the railway, fences, gates and cattleguards, as follows:—

Fences to be erected on each side of railway.

(a) On each side of all that portion of the railway which is not passing along or across a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence.

Gates.

(b) Swing gates in such fences, of the height of the fence, with proper hinges and fastenings, at farm crossings: provided that sliding or hurdle gates, constructed prior to the passing of this Act, may be maintained.

Cattle-guards.

(c) Cattle-guards, on each side of the highway, at every highway crossing at rail-level by the railway. The railway fences at every such crossing shall be turned into the respective cattle-guards on each side of the highway. This provision shall not apply where a railway is being operated along a public highway.

To be suitable.

(2) Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle, horses and other animals from getting on the railway.

Liability of company until cattle-guards erected.

(3) Until such fences, gates and cattle guards are duly made, the company shall be liable for all damages which may be done by their motors, cars, carriages or trains to cattle, horses or other animals on that part of the railway hereby required to be fenced.

If lands are not settled and inclosed.

(4) Whenever the railway passes through any locality in which the lands on either side of the railway are not improved or settled, and enclosed, the company shall not be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs.

Land owners must close gates at farm crossings.

(5) The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use; and no person, any of whose cattle horses



horses or other animals are killed or injured by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed or injured.

(6) Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on the railway, or who takes down any part of a railway fence, or turns any horses, cattle or other animals, upon or within the inclosure of such railway, except for the purpose of, and while, taking the same across the railway in the manner provided by this Act, or who, except as authorized by this Act, rides, leads or drives any horses, cattle or other animal, or suffers any such horses, cattle or animals to enter upon such railway and within the fences and guards, is liable, on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company may be responsible by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animals, and no person, any of whose horses, cattle or other animals are killed or injured by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed or injured. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such violation all damages sustained thereby.

Leaving gates open.

Taking down fences.

Putting cattle on railways.

Permitting animals to get on railways.

Penalties for so doing.

No recourse against company.

Additional damages.

### *Bridges, Tunnels and other Structures.*

88.—(1) Every bridge, tunnel or other erection or structure, over, through or under which any railway, now or hereafter, passes, shall be so constructed, and, if need be, re-constructed or altered within such time as the Board may order, and shall thereafter be so maintained, as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; but in no case shall the space between the rail-level and such beams, members or portions of any such structure, hereafter constructed, be less than twenty-two feet six inches, unless by leave of the Board;

Headway respecting bridges and tunnels.

(2) If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned

Powers of Board where owners refuse

by

to permit compliance.

by the company, the Board, upon application of the company and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may exempt certain bridges, etc.

(3) The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains are run, except trains operated by electricity and except such as are equipped with air brakes.

Penalty.

(4) Every company or owner shall incur a penalty not exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section.

Bridges, etc., over 18 feet long.

89.—(1) With respect to all bridges, tunnels, viaducts, trestles, or other structures, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, the company shall not commence the construction, or reconstruction, of, or any material alteration in, any such bridge, tunnel, viaduct, trestle, or other structure, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

Proceedings before construction.

(2) Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

### *Highway Crossings.*

Railway on highway. Consent of municipality.

90.—(1) Subject to the provisions of this Act respecting the operation of railways along highways, the railway may be carried along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter provided.

No obstruction permitted.

Restoration of highway.

(2) No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to as good condition, as nearly as possible, as it was originally.

Penalty.

(3) Every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation.

Variation of inch between rail and levels.

91. Whenever the railway crosses any highway at rail-level, whether the level of the highway remains undisturbed

or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction, unless otherwise directed by the Board.

of highway  
permitted.

92.—(1) Upon any application for leave to construct the railway across an existing highway, or to construct a highway across an existing railway, the applicant shall submit a plan and profile of such crossing, showing the portion of railway or highway affected, to the Board. The Board may by order grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, gates erected or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

Plan of  
crossing of  
highway to be  
submitted.

Powers of  
Board in such  
case.

(2) The highway at any overhead railway crossing shall not at any time be narrowed by means of an abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure constructed after the passing of this Act be less than fourteen feet, unless otherwise directed or permitted by the Board.

Overhead  
crossings.

93. Where any railway is already constructed across any highway, the Board may order the company within a specified time to submit to the Board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereto that may to the Board seem proper.

As to existing  
crossings.

94. Every structure, by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure.

All structures  
must be safely  
constructed  
and main-  
tained.

95. The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, unless the Board directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the structure connected with it, which fence shall be at least four feet six inches in height from the surface of the approach or structure.

Inclination of  
highway.

Fencing  
approaches.

Signboards  
at level  
crossings.

96. Signboards at least twelve feet in height at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words "Railway Crossing" painted on each side of the sign board, in letters at least six inches in length, and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding ten dollars.

Penalty.

Railway may  
be required to  
repair any level  
crossing out of  
repair.

97.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, or reeve of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such head of the municipality may transmit a copy of the notice so served to the Board; and thereupon the Board may order an inspection to be made and may appoint an inspector for that purpose who shall with all possible despatch, appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, or reeve, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

Inspector's  
certificate to  
be conclusive.

Payments of  
inspectors.

(2) The Inspector shall be entitled to be paid the sum of \$10 and actual travelling expenses while engaged on such inspection and in case he finds that any repairs are required he shall be paid by the company, but if he finds that no repairs are required he shall be paid by the municipality whose chief officer served the said notice.

Proviso.

(3) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

### *Crossings and Junctions.*

Railway  
crossings and  
junctions.

98.—(1) The railway lines or tracks of any company shall not be crossed or joined by or with the railway lines

or



or tracks of any other company until leave therefor has been obtained from the Board as hereinafter provided. Power of the Board.

(2) Upon any application for such leave the applicant company shall submit to the Board a plan and profile of such crossing or junction and such other plans, drawings and specifications as the Board may in any case, or by regulation, require. Proceedings on application to Board.

(3) The Board may by order grant such application on such terms as to protection and safety as it may deem expedient, may change the plan and profile, drawings and specifications, so submitted and fix the place and mode of crossing or junction, and may direct that the lines and tracks of one company be carried over or under the lines and tracks of the other, and that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage, and may determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works. Order of Board.

(4) The Board may give directions as to supervision of the construction of the works, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board. Supervision of works.

(5) No trains shall be operated on the lines or tracks of the applicant company over, upon or through such crossing or junction until the Board grants an order authorizing such operation, but the Board shall not grant such order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. Order authorizing operation.

(6) The Board may order any company to adopt and put in use at any such crossing or junction, at rail level, such interlocking switch, derailing device, signal system, equipments, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. Safety appliances on rail-level crossings.

(7) This section shall apply to street railway companies and street railways. Application to street railways.

### *Mines and Minerals.*

99. No company shall, without the authority of the Board, locate the line of its proposed railway, or construct Mines to be protected.

struct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for opening which preparations are, at the time of such location, being lawfully and openly made.

Company not entitled to minerals, etc., in lands.

Exceptions.

**100.** The company shall not be entitled to any mines, ores, metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, unless the same have been expressly purchased; and all such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby.

Mining under or within 40 yards of any railway.

**101.**—(1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been first obtained from the Board.

Application for leave of Board.

(2) Upon any application to the Board for leave to work any such mine or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant proposed to be constructed or operated, affecting the railway, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

(3) The Board may grant such application upon such terms and conditions, as to protection and safety of the public, as to the Board may seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising, or likely to arise, from such mining operations.

Compensation by company for loss by severance of mine.

**102.** The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall order to be paid to such owner, lessee, or occupier for and on account of any severance of the lands lying over such mines by the railway, or of the working of such mines being prevented, stopped or interrupted, or of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway.

Power of company to enter mines for purpose of ascertaining whether work-

**103.** If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to damage the railway or works or in such manner as to be detrimental

detrimental to the safety of the public using the railway or of the tracks and trains of the company it shall be lawful for the company with the written permission and authorization of the Board after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked.

104. If the owner, lessee, or occupier of any such mine refuses to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding \$100.

ing endangers  
railway.

Penalty for  
refusing com-  
pany access  
to mines.

#### *Weeds on Company's Land.*

105.—(1) Every company shall cause all cleared land or ground adjoining the railway and belonging to the company to be covered with grass or turf if not already so covered and shall cause all thistles and noxious weeds growing on the right of way and over land of the company adjoining the railway to be cut down or to be rooted out and destroyed each year before the plants have sufficiently matured to seed.

Company to  
remove weeds.

(2) Every company which fails to comply with this section shall incur a penalty of ten dollars for every day during which such company neglects to do anything which it is so required to do.

Penalty.

(3) The mayor, reeve or other head of the municipality in which the land or ground lies may cause all things to be done which the said company is so required to do, and for that purpose may enter, by himself and his assistant or workmen, upon such lands, and the municipality may recover the expenses and charges incurred in so doing, and the said penalty, with costs, in any court of competent jurisdiction, and such expenses, penalty and costs shall be paid to the proper officer of the municipality.

On default  
municipal  
officers may  
perform.

Cost of work.

#### *Prevention of, and liability for, Fires.*

106.—(1) The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter.

Prevention.

(2) Whenever damage is caused to crops, lands, fences, plantations, standing or growing timber or trees or buildings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive

Liability for  
fire caused by  
locomotive.

whether

Proviso.

whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction; Provided that if it be shown that the company has used modern and efficient appliances and has not otherwise been guilty of any negligence, the total amount of compensation recoverable under this section, in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars, and it shall be apportioned amongst the parties who suffered the loss as the court may determine.

Company has insurable interest.

(3) The company shall have an insurable interest in all such property upon or along its route, for which it may be so held liable, and may procure insurances thereon in its own behalf.

### *Construction of Road by Sections.*

Construction of road by sections.

107. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan and book of reference thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and to deposit the same as required by the clauses of this Act with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan and book of reference of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined certified and deposited according to the said clauses of this Act. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Board may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.



108. Whenever any section of the said railway of not less than five miles has been completed, the company may take the steps authorized by section 163 of this Act to be taken before a railway or a portion thereof is opened for the carriage of traffic and, with the permission of the Board as set forth in the said section, the company may open and operate such section as if it were a completed road, and all the sections of this Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation.

Five mile sections may be opened.

*Commencement of Construction.*

109. The company shall not commence the construction of the railway, or any section or portion thereof, until the provisions of this Act as to plans and surveys are fully complied with; and shall not make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of subsection 13 of section 59 as to deviations are fully complied with.

Works not to be commenced until certain provisions complied with.

*Compensation to Owners of Lands Adjacent to Highways.*

110.—(1) Where a railway constructs its tracks along one side of a highway or operates over a highway or railway or street railway crossing by means of a bridge or underneath a highway or railway or street railway crossing by means of a sub-way or tunnel, and in the construction of the approaches to such bridge or tunnel, raises or depresses part of a highway the owner of any land adjoining the portion of the highway upon the side thereof upon which the tracks are so constructed or upon or along which the said bridge or sub-way or tunnel or approaches thereto are constructed shall, if by reason of such construction, his land or the business carried on upon such land is thereby injured or in any way depreciated in value be entitled to receive compensation therefor from the company.

Compensation for damages to owners of lands adjacent to highway.

(2) The proceedings to obtain such compensation and to determine the amount thereof shall so far as applicable be the same as that provided in this Act in the sections respecting the taking of land without the consent of the owner.

(3) Compensation for injury to or depreciation of the value of any such business or land may be awarded by the arbitrators if in their judgment any such injury or depreciation is caused by the existence of the railway notwithstanding that the grade of the highway may not have been changed or altered.

(4) Not more than one award of damages shall be made under this section in respect of the same land or business.

(5) This section shall not apply to such portions of any railway as are constructed at the time of the coming into

force of this Act, or which may be constructed under agreements existing at the time of the coming into force of this Act.

*Limitation of Time for Construction.*

Time for construction limited.

111. If the construction of the railway or street railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of the special Act, or in case of a railway other than a street railway, if the railway is not finished and put in operation within five years from the passing of such Act, the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

*Use of Steam During Construction.*

Electric companies may use steam for construction.

112. A company while constructing a line of railway to be operated by electricity on a right of way owned by the company shall have power to use steam as a motive power during such construction and at other times for construction purposes.

*Contracts for Construction.*

Contracts for construction of line, etc.

113.—(1) The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in part or in whole, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way, or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

Payment in stock or bonds.

Application to street railways.

(2) This section shall apply to street railway companies and street railways.

## OPERATION OF THE RAILWAY.

*Regulations governing the running of Trains.*

114. The trains or cars shall start and run at regular hours or at regular intervals to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the train or car.

Trains to start  
at regular  
hours

115. Every employee of the company employed in a passenger train or car or at a passenger station, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property.

Employees in  
passenger  
trains or  
stations  
to wear badges.

116.--(1) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the car, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Expulsion on  
refusal to pay  
fare.

(2) This section shall apply to street railways.

Application to  
street rail-  
ways.

117. No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

No claim for  
injuries in  
certain cases.

118.--(1) Except by permission of the Board, no passenger train upon a steam railway shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried.

Position of  
passenger cars.

(2) Every officer or employee of any company, who directs, or knowingly permits, any freight, merchandise or lumber car, to be so placed, shall be liable on summary conviction to a penalty not exceeding ten dollars.

Penalty for  
violation.

119.--(1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means

Baggage  
checks.

means

means for attaching a check thereupon, delivered by a passenger to the company for transport, and a duplicate of such check shall be given to the passenger delivering the same.

Excess  
baggage.

(2) In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act.

Liability for  
refusing to  
check baggage.

(3) If such check is improperly refused on demand, the company shall be liable to such passenger for the sum of eight dollars, which shall be recoverable in a civil action; Provided that this section shall not apply to any train or car operated by electricity unless the Board so orders.

Transportation  
of dangerous  
goods.

120. No passenger shall carry, nor shall the company be required to carry upon its railway, gunpowder, dynamite, nitro-glycerine, or any other goods which are of a dangerous or explosive nature; and every person who sends by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered, or who carries or takes upon any train any such goods, for the purpose of carriage shall forfeit to the company the sum of five hundred dollars for every such offence.

Nature must  
be marked on  
outside.

Notice.

Penalty.

Company may  
refuse to carry.

121. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear in large letters the words "dangerous explosives"; and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars.

Carriage of  
such goods.

Penalty.

Trains to stop  
at swing  
bridges.

122.—(1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop and shall not proceed until a proper signal has been given for that purpose, and in default the company shall be liable to a penalty not exceeding four hundred dollars. Any employee failing to comply with the rules of the company as to compliance with the provisions of this subsection shall be liable to the like penalty, or to six months' imprisonment, or to both.



(2) Wherever there is adopted or in use on any railway at any such bridge, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations, as to speed and other matters, as the Board deems proper.

Where safety devices installed Board may otherwise order.

(3) This section shall apply to street railways.

Application to street railways.

123. When any train is approaching a highway crossing at rail-level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same), the engine whistle shall be sounded at least eighty rods before reaching such crossing, and then the bell shall be rung continuously until the engine has crossed such highway, or in the case of a car or locomotive operating by electricity an air whistle shall be blown or the gong be sounded continuously for eighty yards before reaching such crossing, and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars. and shall also be liable for all damage sustained by any person by reason of such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty.

Use of bell and whistle.

Penalty for non-compliance.

Damages.

Penalty on employee.

124.—(1) No train, engine or motor car shall pass over any crossing where two main lines of railway cross each other at rail-level, until a proper signal has been received by the conductor, engineer or motorman in charge of such train, engine or motor car from a competent person or watchman in charge of such crossing that the way is clear; provided always, that in the case of an electric street railway car crossing any railway track not properly protected, it shall be the duty of the conductor, before crossing, to go forward and see that the track to be crossed is clear, before giving the signal to the motorman, that the way is clear and to proceed.

Signal at rail-level crossings.

Electric street railway crossings.

(2) Every main track of a branch line is a main line within the meaning of this section, which shall apply, whether the said lines be owned by different companies or by the same company.

Application of section.

(3) Every train shall, before it passes over any such crossing as in this section mentioned, be brought to a full stop; but whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regulations

Stoppage of trains at rail-level crossings.

Where safety devices are installed Board may otherwise order.

tions

tions as to speed and other matters as the Board deems proper.

(4) Nothing in this section shall apply to a case in which the Dominion Railway Commission has jurisdiction to make an order and has made an order for the protection of such crossing.

Trains, or cars  
moving  
reversely in  
cities, etc.

125. Whenever in any city, town or village, any train is passing over or along a highway at rail-level, and is not headed by an engine or motor car moving forward in the ordinary manner, the company shall station on the then foremost part of the train, a person who shall warn persons standing on, or crossing, or about to cross, the track of such railway; and for every violation of any of the provisions of this section, or of either of the two sections next preceding, the company shall incur a penalty of one hundred dollars.

Trains must not  
stand on rail-  
level crossings  
more than five  
minutes.

126.—(1) Whenever any railway crosses any highway at rail-level, the company shall not, nor shall its officers, agents, or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting to obstruct public traffic for a longer period than five minutes at any one time.

Penalty.

(2) In every case of a violation of this section, every such officer, agent, or employee who has directly under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is allowed to stand on such highway, longer than the time specified in this section, is liable on summary conviction to a penalty not exceeding fifty dollars, and the company is also liable for each such violation, to a like penalty; provided always that if such alleged violation is in the opinion of the court excusable, the action for the penalty may be dismissed; and costs shall be in the discretion of the court.

Where  
violation  
excusable.

### *Sleeping and Parlor Cars.*

Sleeping and  
parlor cars.

127. The company may contract with any person for the hauling by the special or regular trains of the company, of the parlor, drawing-room or sleeping car or cars of such person, in which extra accommodations shall be furnished, for which such person furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein such reasonable compensation as may be fixed by the Board, for such extra accommodation, in addition to the fare and charges for the carriage and transportation of passengers and property in the ordinary cars of the company. But the company so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the travelling public.

*Stations.*

128.—(1) The company shall, according to its powers, furnish, at the place of starting and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway,—and shall furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic,—and shall, without delay, and with due care and diligence, receive, carry and deliver all such traffic, and shall furnish and use all proper appliances, accommodation and means necessary therefor.

Accommodation for passengers and freight at stations.

Train accommodation.

Duties respecting transportation.

(2) Such traffic shall be taken, carried to and from, and delivered at such places, on the due payment of the toll lawfully payable therefor.

Payment of tolls.

(3) Every person aggrieved by any neglect or refusal in the premises shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration or any agreement to the contrary if the damage arises from any negligence or omission of the company or of its servants.

Right of action on default.

Condition against negligence invalid.

(4) If in any case such accommodation is not, in the opinion of the Board, furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests.

Accommodation may be ordered by Board.

(5) No station established by any railway company for the reception or delivery of passengers or property, or both, shall be discontinued without the consent of the Board first had and obtained.

Stations not to be discontinued.

(6) Upon the written complaint of ten or more persons interested setting forth that any of the provisions of this Act as to station accommodation or stopping places are being violated by the company the Board shall forthwith investigate the complaint. If upon such investigation it is found that such violation exists the Board shall issue an order to the company setting forth the nature of the improvements required and shall direct that the same shall be completed within such time as the Board may think proper.

Complaint of ten citizens as to station accommodation.

*Blackboards showing whether Trains on Time.*

129.—(1) Every company, upon whose railway there is a telegraph or telephone line in operation, shall have a blackboard put upon the outside of the station house, over the

Overdue trains.

Notice at  
stations

Time when  
expected to be  
stated.

Penalty for  
omission.

the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train or car is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train or car may be expected to reach such station; and if there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train or car may then be expected to reach such station.

(2) Every such company, station agent or person in charge at any such station, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section.

#### MUNICIPAL BONUSES AND LOANS.

Aid from  
municipalities.

Proviso.

Submitting  
bonus by-law.

130. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the railway, or through any part of which or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

131. Such by-law shall be submitted by the municipal council to a vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the  
minor



minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto. 3 Edw. VII c. 19.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments there- 3 Edw. VII c. 19. to as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

132. Such by-law shall in each instance provide:

Bonus by-law  
what to  
contain.

(a) For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(b) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

133. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to the Board who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, Petition  
against aid  
from county

and

and in case the by-law is confirmed by the Board the expenses of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county or in such proportions between the company and the county as the Board may order.

Minor  
municipality  
meaning of.

134. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit to be  
made before  
by-law  
submitted.

135. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to  
pass by-law if  
assented to by  
ratepayers.

136. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting it shall be the duty of the municipal council which submitted the same to read the said by-law a third time and pass the same.

Issue of  
debentures.

137. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other officers thereof, within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Levying rate  
on portion of  
municipality.

138. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of  
provisions of  
3 Edw. VII.  
c. 19.

139. The provisions of *The Consolidated Municipal Act, 1903*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may  
extend time  
for commence-  
ment.

140. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: provided that no such extension shall be for a longer period than one year.

Councils may  
extend time  
for completion

141. The council of any municipality that may grant aid by way of bonus, to the company, may by resolution

tion or by-law, extend the time for the completion of the works (on the completion of which the company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

142. Any municipality, or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

Extent of aid from municipalities.

Proviso.

143. Any municipality through which the railway may pass or in which the railway or part of it is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the railway, and the railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power, when the same are no longer required or necessary for the purposes of the company, to sell or otherwise dispose of the same for the benefit of the company.

Gifts of land.

144. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Board, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Board shall omit to name such trustee within one month after notice in writing to the Board of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Board, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable

Trustees of municipal debentures.

able of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Board.

Trusts of  
proceeds of  
debentures.

145. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The ———— Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of  
trustees.

146. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Mayor, etc.,  
to be *ex officio*  
a director in  
certain cases.

147. The mayor, warden, reeve, or other chief officer of such municipal corporation granting a bonus or gift to the company to the amount of \$20,000, or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company.

Application  
to street  
railways

148. The sections respecting municipal bonuses and loans, being sections 130 to 147 inclusive, shall apply to street railway companies.

#### EXEMPTIONS FROM TAXATION.

By-law grant-  
ing exemption  
from taxation.

149.—(1) The council of any municipality through any part of which the railway passes, or in which it is situate may by by-law especially passed for that purpose, exempt the company and its property within such municipality, either in whole or in part from municipal taxation, but not including taxation for school purposes, or fix a certain sum per annum, or otherwise, by way of commutation, or in lieu of all or any municipal rates or taxes, and for such term of years not exceeding twenty-one years as  
such



such municipal council may deem expedient, and no such by-law shall be repealed unless in conformity with a condition contained therein.

- (2) This section shall apply to street railway companies. Application to street railways.

#### BY-LAWS, RULES AND REGULATIONS.

150. The company may, subject to the provisions and restrictions in this and in the Special Act, contained, make by-laws, rules or regulations respecting— Company's by-laws respecting—

(a) The mode by which, and the speed at which, any rolling stock used on the railway is to be moved; Speed.

(b) The hours of the arrival and departure of trains; Timetables.

(c) The loading or unloading of cars, and the weights which they are respectively to carry; Loads.

(d) The receipt and delivery of traffic; Freight regulations.

(e) The smoking tobacco, expectorating, and the commission of any nuisance in or upon trains, stations or other premises occupied by the company; Nuisances.

(f) The travelling upon, or the using or working of, the railway; Traffic and operation.

(g) The employment and conduct of the officers and employees of the company; Conduct.

(h) The due management of the affairs of the company; Management.  
and

(i) The number of passengers to be allowed in cars, their mode of entrance or exit, and the portion of the car or the class of car to be occupied by them. Passengers.

151. The company may, for the better enforcing the observance of any such by-law, rule or regulation affecting the officers or employees of the company prescribe in such by-law a penalty not exceeding forty dollars for any violation thereof. Penalty for violation of by-laws.

152. All by-laws, rules and regulations whether made by the directors or the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. Essentials to validity of by-law.

153. All such by-laws, rules and regulations, except such as are of a private or domestic nature and do not affect the public generally, shall be submitted to the Board for approval. The Board may sanction them or any of them, or any part thereof, and may from time to time, rescind the sanction of any such by-law, rule or regulation or  
of

of any part thereof. Except when so sanctioned no such by-law, rule or regulation shall have any force or effect.

Publication of  
by-laws, etc.

**154.** A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby.

Publication of  
by-laws, etc.,  
affecting  
employees.

**155.** A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected.

By-laws, etc.,  
binding when  
approved.

**156.** Such by-laws, rules and regulations when so approved shall be binding upon, and observed by, all persons, and shall be sufficient to justify all persons acting thereunder.

Summary  
interference  
in certain  
cases.

**157.** If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof.

Evidence.

**158.** A copy of any by-law, rule or regulation, certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company, shall be evidence thereof in any court.

By-laws, etc.,  
to be subject to  
agreements with  
municipalities.

**159.** All by-laws, rules and regulations of a company operating its railway by electricity partially or wholly on a highway or of a street railway company shall be subject to any agreement that may have been made by such company and the municipal corporation owning or maintaining such highway.

#### NOTICES OF BY-LAWS, ETC.

How notice of  
by-laws or  
orders may be  
proved

**160.** Notice of any by-law or of any order or notice of the company affecting any officer or employee thereof may be proved by proving the delivery of a copy thereof to such officer or employee, or that such officer or employee signed a copy thereof, or that a copy thereof was posted in some one place where his work or his duties, or some of them, were to be performed.

Application of  
secs. 150-160 to  
street railways

**161.** The sections relating to "By-laws, Rules and Regulations," being sections 150 to 160 inclusive, shall apply to street railways and street railway companies.

## INSPECTION OF RAILWAYS.

*Inspecting Engineers.*

162.—(1) Inspecting engineers may be appointed by the Board, subject to the approval of the Lieutenant-Governor in Council. Appointment of inspecting engineers.

(2) It shall be the duty of every such inspecting engineer, Duties. upon being directed by the Board, to inspect any railway, or any branch line, siding or portion thereof whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates and cattle-guards, telegraph, telephone, or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Board may direct, and forthwith to report fully thereon in writing to the Board.

(3) Every such inspecting engineer shall be vested with all the powers in regard to any such inspection as are provided in section 49 of "*The Ontario Railway and Municipal Board Act, 1906.*" Powers of inspection.

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair, of the railway, or any portion thereof. Duties of company respecting inspecting engineers.

(5) Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices of, or under the control of, any such company. Inspecting engineers may travel free. Use telegraph wires, etc.

(6) The operators, or officers, employed in the telegraph offices of, or under the control of, the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer, who neglects or refuses so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of forty dollars. Transmission of telegrams. Penalty upon failure.

(7) The production of his appointment in writing, signed by the Chairman of the Board, or the Secretary, shall be sufficient Proof of engineer's authority.

sufficient evidence of the authority of such inspecting engineer.

Penalty for obstructing inspecting engineers.

(8) Every person who wilfully obstructs any inspecting engineer in the execution of his duty, is liable, on summary conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justices or justices of the peace appoint, to imprisonment with or without hard labour for any term not exceeding three months.

### *Inspection of Line.*

Leave of Board before opening.

163.—(1) No railway, or any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided.

Proceedings.

Affidavit.

(2) When the company is desirous of so opening its railway, or any portion thereof, it shall make an application to the Board, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, alleging that the railway, or portion thereof, desired to be so opened is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection, and requesting the Board to authorize the same to be opened for such purpose.

Inspection.

When opening reported to be safe.

Order of Board.

(3) Before granting such application the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened, and if the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the same for the carriage of traffic will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

When opening reported dangerous.

Notice to be served on company.

(4) But if such inspecting engineer, after the inspection of the railway, or the portion thereof, shall report to the Board that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway or portion thereof, he shall state in his report the reasons for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report and reasons, and the Board may refuse such application, in whole or in part, or may direct a further or other inspection and report to be made.



(5) If thereafter upon such further or other inspection or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make the like order as provided in subsection 3 of this section and thereupon the railway, or such portion thereof, as is authorized by the Board, may be opened for traffic in accordance therewith.

Provision for further inspection.

Order for opening.

(6) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section.

Leave to carry freight traffic.

(7) If any railway, or portion thereof, is opened contrary to the provisions of this section, the company, or person to whom such railway belongs shall forfeit to His Majesty the sum of two hundred dollars for each day on which the same is, or continues open until such order is obtained.

Opening without leave of Board.

Penalty.

164.—(1) Whenever the Board receives information that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or faulty construction, equipment, or from any other cause, the Board may direct an inspecting engineer to examine the railway, or any portion thereof; and upon the report of the inspecting engineer may order any repairs, renewal, reconstruction, alteration or new works, materials or equipment to be made, done, or furnished by the company or municipality upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper to avoid such danger, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no such portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose. And the Board may by such order, condemn, and thereby forbid further use of, any rolling stock which, from such report, it may consider unfit to repair or use further.

Where railway out of repair.

Inspection

Board may order repairs, etc.

May enjoin use of portions of railways pending repairs.

Or of equipment.

(2) If, after notice of any such order made by the Board, the company shall use any rolling stock, after the same has been so condemned by the Board, or shall disobey or fail to comply with any order of the Board made under this section, the company shall, for each day on which such order is disobeyed, forfeit to His Majesty the sum of five hundred dollars; and any person wilfully and knowingly

Penalty for non-compliance.

Aiding and  
abetting.

aiding or abetting any such violation shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty of not less than twenty dollars nor more than two hundred dollars.

Application  
of section  
to street  
railway.

(3) This section shall apply to street railways.

Inspecting  
engineer may  
in case of  
danger issue  
prohibitions.

165.—(1) If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, forthwith, either forbid the running of any train over such railway or portion of railway, or require that the same be run only at such times, under such conditions, and with such precautions, as he, by notice specifies, and he may forbid the running or using of any such rolling stock by serving upon the company owning, running or using such railway, or any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of non-compliance therewith such company shall forfeit to His Majesty the sum of two thousand dollars.

Procedure.

Reasons and  
defects must  
be stated.

Penalty.

Report of  
inspecting  
engineer.  
Action  
thereon.

Notice.

(2) The inspecting engineer shall forthwith report the same to the Board which may either confirm, modify or disallow the act or order of such engineer; and notice of such confirmation, modification or disallowance, shall be duly given to the company.

Company to  
notify orders  
of Board to its  
officers, etc.

166. The company shall, as soon as possible after the receipt of any order or notice of the Board affecting any of the officers or employees of the railway or any of the duties of such officers or employees, give cognizance thereof to each of its officers and employees, in one or more of the ways mentioned in section 160 of this Act.

What to be  
deemed suffi-  
cient notice  
thereof.

167. All orders of the Board shall be considered as made known to the company by a notice thereof signed by the chairman or secretary thereof, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company.

### *Inspection not to Relieve from Liability.*

Inspection  
not to relieve  
company from  
liability.

168. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any  
18a s. company

company of or from any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in this Province.

#### TOLLS.

##### *By-Laws as to.*

169.—(1) The company or the directors of the company, by by-law or any such officer or officers of the company as are thereunto authorized by by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged, as hereinafter provided, for all traffic carried by the company upon the railway, or in its vessels, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

By-laws to be passed authorizing issue of tariffs of tolls to be charged by the company.

(2) All such by-laws shall be submitted to and approved by the Board.

To be approved by Board.

(3) The Board may approve such by-laws in whole or in part, or may change, alter or vary any of the provisions therein.

Board may approve in whole or in part or may change.

(4) No tolls shall be charged by the company until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor shall the company charge, levy or collect any money for any services as a common carrier, except under the provisions of this Act.

No tolls to be charged until by-law approved by Board.

##### *Collection of Tolls.*

170.—(1) The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges by the company without any formal transfer, the company shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payments to all the rights and remedies of such persons for such charges.

Collecting back charges on goods.

(2) In case of refusal or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of goods  
to recover  
tolls.

(3) If the tolls are not paid within six weeks, and where the goods are perishable goods, if the tolls are not paid upon demand or if such goods are liable to be destroyed while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the Province, unless claimed by the person entitled thereto, within six years of the date of such payment.

#### *Passenger Fares on Electric Roads.*

Limit of  
fares on  
electric  
railways.

171.—(1) Notwithstanding anything contained in any agreement with any municipal or other corporation or person or any provision contained in any special Act to the contrary, the fares to be taken by the company on a railway operated by electricity for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance

tance



tance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free.

(2) Pupils under seventeen years of age actually attending school shall be entitled to purchase at any office of the company where tickets are sold on a certificate from their principal teacher that they are *bona fide* pupils attending school eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon, and between half-past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles. Pupils' tickets.

(3) This section shall not be construed to alter or vary any agreement by which the company is bound to charge a lesser rate of fares for passengers than those mentioned in this section, or to supply a greater number of tickets to pupils attending school or to pupils of a lesser age or at different hours or for a greater distance than mentioned in this section. Certain agreements not affected.

(4) This section shall apply to street railways. Application to street railways.

(5) This section shall not apply to a company whose tariff for passenger fares is subject to the approval of any commissioners in whom are vested any park or lands owned by the Crown for the use of the public of the Province of Ontario. Section not to apply to companies operating in certain parks.

#### BOARD AND MEMBERS OF LEGISLATURE TO BE CARRIED FREE.

172. The company shall furnish free transportation upon any of its trains, for members of the Legislature with their baggage, and also for the members of the Board, and for such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board. Members of Legislature and Board to have free transportation

#### DISCRIMINATION.

173.—(1) Such tolls may be either for the whole or for any particular portions of the railway; but all such tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise, in respect of all traffic of the same description and carried in or upon a like kind of cars, passing over the same portion of the line Discrimination prohibited.

line of railway; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

Proportionate decrease in tolls in certain cases.

(2) The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are, under substantially similar circumstances charged equally to all persons.

Special rates for perishable goods.

(3) The company may make uniform special rates for the carriage of fruit, milk and other perishable products and commodities.

Unjust discrimination between localities prohibited.

Long and short haul clause.

Competitive points.

(4) No toll shall be charged which unjustly discriminates between different localities. The Board shall not approve or allow any toll, which for the like description of goods or for passengers, carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, the shorter being included in the longer distance, unless the Board is satisfied that owing to competition, it is expedient to allow such toll. The Board may declare that any places are competitive points within the meaning of this Act.

Pooling prohibited.

(5) No company shall, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, nor divide its earnings or any portion thereof with any other railway company or common carrier, nor enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result, without leave therefor having been obtained from the Board.

Duty of company to afford reasonable facilities for receiving, forwarding, and delivering traffic without partiality and without unreasonable delay.

174. All companies shall, according to their respective powers, afford to all persons and companies all reasonable, and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock; and no company shall make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person, or company or any particular description of traffic, in any respect whatsoever, nor shall any company by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company, nor subject any particular person, or company, or any particular description

tion of traffic, to any undue, or unreasonable, prejudice or disadvantage, in any respect whatsoever; nor shall any company so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Ontario with which it connects; and every company which has or works a railway forming part of a continuous line of railway with, or which intersects, any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful and null and void.

Undue  
preference or  
advantage.

Undue  
prejudice or  
disadvantage.

Agreements in  
violation void.

175. The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of this and the last preceding section; and may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of this and the last preceding section.

Power of  
Board to  
determine  
what are  
substantially  
similar circum-  
stances undue  
preferences,  
etc.

176.—(1) Whenever it is shown that any company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than they charge to other persons, companies, or class of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll, or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company.

Burden of  
proof respect-  
ing unjust  
discrimina-  
tion, etc.

(2) In deciding whether a lower toll, or difference in treatment, does or does not amount to any undue preference or an unjust discrimination, the Board may consider whether

What Board  
may consider  
in determining  
unjust dis-  
crimination,  
etc.



whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interest of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls.

Apportionment  
of toll for  
carriage by  
land and  
water.

(3) In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine what portion of such single sum is charged in respect of the carriage by rail.

Equal facilities  
to be granted  
to express  
companies.

177. Every company which grants any facilities for the carriage of goods by express to any express company or person, shall grant equal facilities, on equal terms and conditions, to any other express company which demands the same.

Reduced rates  
for public or  
charitable pur-  
poses.

178. Nothing in this Act shall be construed to prevent the carriage, storage or handling of traffic free or at reduced rates for the Dominon, or any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation, nor to prevent the issuance of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers, and their goods and effects, or any member of any organized association of commercial travellers with his baggage, nor to prevent railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the press, or to such other persons as the Board may approve or permit, nor to prevent the principal officers of any railway, or any railway or transportation company, from exchanging passes or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects; provided that the carriage of traffic by the company under this section may, in any particular case or by general regulation, be extended, restricted, limited or qualified by the Board.

Proviso.

#### APPOINTMENT OF RAILWAY CONSTABLES.

Constables  
may be ap-  
pointed to act  
on the line of  
any railway.

179.—(1) The Justices of the Peace for any county assembled at any General Sessions of the Peace on the application of the board of directors of the company whose railway or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk



clerk or agent of the company thereto authorized by such board, may, in their discretion appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

"I, A. B., having been appointed a Constable to act upon and along (here name the Railway), under the provisions of *The Ontario Railway Act, 1906*, do swear that I will well and truly serve our Sovereign Lord the King, in the said office of Constable, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law: So help me God."

Oath of office.

(2) Such oath or declaration shall be administered by any one such Justice or by the Clerk of the Peace for such county.

By whom to be administered.

(3) Such appointment shall be made in writing signed by the Clerk of the Peace and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed thereon by the person administering such oath or declaration.

Appointment to be in writing.

180. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed.

Powers of such constables, and to what localities they shall extend.

181. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, district

Duties of such constables.

district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Dismissal of  
any such con-  
stable.

182. The Judge of the County Court of the County in which the constable resides, may dismiss any such constable, and the board of directors of the company or any manager or superintendent thereof may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protection and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed.

Record of  
appointment  
of constables.

And of  
dismissals.

183. The company shall cause to be recorded in the office of the clerk of the peace, for every county wherein such railway passes the name and designation of every constable so appointed at its instance, the date of his appointment, and the authority making it, with such appointment or a certified copy thereof, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. Such record shall, in all courts, be *prima facie* evidence of the due appointment of such constable and of his jurisdiction to act as such, without further proof than the mere production of such record.

Neglect of  
duty by  
constable.

Penalty.

184. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city or district wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months. Such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the company.

#### PASSENGER CONDUCTORS TO HAVE THE POWER AND AUTHORITY OF CONSTABLES.

Conductors to  
have powers of  
constables.

185.—(1) The conductor of every train carrying passengers within this Province and the conductor of the car or cars of every railway carrying passengers within this Province, is hereby invested with all the powers of a constable, while

while on duty on his train or on said car and cars, and said conductor may wear a badge or other distinguishing mark of a special constable.

(2) When a passenger is guilty of disorderly conduct, or uses any blasphemous or obscene language, or plays any game of cards or chance for money or any other thing of value, upon any passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or car or cars of such railway may stop his train or said car or cars at the place where such offence is committed or at the next stopping place of such train or of such car or cars and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employees of the company, and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall render to such passenger such proportion of the fare he has paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

Removal of  
passenger  
guilty of  
misconduct.

186. When a passenger is guilty of any offence upon a passenger train or upon the car or cars of any railway carrying passengers within this Province, the conductor of such train or of such car or cars may arrest him and take him before any Justice having cognizance of such offence in any county or district in this Province in which such train or car or cars runs, and lay an information before such Justice, charging him with such offence; but in no case shall the liability of the company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section.

Conductor  
may arrest  
passenger for  
offences.

187. The company shall cause a notice to be placed in all passenger cars stating that the conductors have the authority and powers of constables.

Notice of;  
authority of  
conductor.

188. A conductor exercising the powers of a constable under this Act shall be entitled to the protection accorded by law to constables engaged in the performance of their duties as such.

Protection of  
conductor  
acting as con-  
stable.

#### STREET RAILWAYS AND RAILWAYS OPERATING ALONG HIGHWAYS.

##### *General Provisions.*

189. Unless otherwise provided, sections 190 to 221 inclusive, shall apply only to street railways and companies incorporated for the purpose of constructing, maintaining and operating street railways as defined in the interpretation clauses of this Act, and to other railways incorporated for the purpose of operating partially or wholly along highways by electricity.

Application of  
ss. 190-221 to  
street railways  
and electric  
railways on  
highways.



Powers of  
Company.

190. Every such company shall, subject to any provisions contained in the special Act or in any agreement made between the company and a municipality, have authority to construct, maintain, complete, and operate and from time to time to remove and change as required, a double or single track railway, with the necessary switches, side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the highways in any municipality to which the Special Act extends, as the council of the municipality may by by-law authorize, and over and upon lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon the same, by the force or power of electricity, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Freight traffic

191. The company may take, transport and convey goods upon its railway, but no freight or express cars shall be carried along any highway in any city, town or village over the railway unless and until the size and number of the cars and motors to be used therewith, and the hours of running the same, have been approved by the Board, nor shall any freight service be operated nor any class of freight carried on any such highway until authorized by, or except as directed by the Board.

Agreements  
between muni-  
cipality and  
company as to  
construction,  
street repairs,  
etc.

192. Subject to the provisions of section 217 of this Act, the company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable, relating to the construction of the railway; the time within which the railway shall be commenced, the manner of proceeding therewith, and the time of its completion; the paving, macadamizing, repairing, grading, and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing or taking up of gas and water pipes in the streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum hereinbefore mentioned, and the amount of compensation (if any) to be paid by the company annually or otherwise.

#### *Sunday Cars.*

Street railways  
etc., not to be  
operated on  
Sunday.

193.—(1) No company or municipal corporation operating a street railway, tramway or electric railway, shall operate the same or employ any person thereon on the first day of the week commonly called Sunday, except for the purpose of keeping the track clear of snow or ice, or for the purpose of doing other work of necessity.



(2) Notwithstanding anything in this Act or in the special Act or in any agreement contained, companies which have before the first day of April, 1897, regularly run cars on Sunday may hereafter do so, but the foregoing subsection shall not confer any rights so to run cars on Sunday not now possessed by such companies nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday nor shall it affect the right (if any) of the Toronto Railway Company to run cars on Sunday; nor shall it affect the right of any railway company to run cars or trains as provided in subsection 2 of section 136 of Chapter 209 of the Revised Statutes of Ontario, 1897, which right shall be continued as though such statute stood unrepealed.

(3) For every train or car run or operated in violation of this section, the company shall forfeit and pay the sum of \$400, to be recovered in any court having jurisdiction in civil cases, for the amount, by any person suing for the same under this section and for the purpose thereof. The action for the recovery of the said sum shall be brought before a court having jurisdiction as aforesaid in the place from which such train or car started, or through which it passed or at which it stopped in the course of such operation.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff and the other moiety to the local municipality from which the train or car started; but if the train or car is operated by the municipality from within whose limits the same started, the plaintiff shall receive the whole amount so recovered.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable for every such offence to a penalty not exceeding \$40 nor less than \$1, besides costs, and the same shall be recoverable on summary conviction.

(6) This section shall apply to all railways operated by electricity and street railways whether they are operated on a highway or on a right of way owned by the company.

194.—(1) The company, when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground, shall cause to be strung and maintained guard wires, as far as may be reasonably possible sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway from coming into contact with or falling upon the said wires conveying such electricity.

(2) The company, when operating any portion of its line by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence

Exceptions.

Penalty.

Application of penalties.

Liabilities of conductor.

Application of section.

Guard wires.

Protecting water pipes etc., from injury by electricity

consequence of the escape or discharge of electricity into the ground. Unless otherwise ordered by the Board, proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this section.

Powers of board.

(3) The Board shall have power to make such order or orders as to it may seem proper to compel the proper observance of this section.

Right of action.

195. Any person suffering damage by reason of the non-compliance by the company with the provisions of the preceding section shall have a right of action against the company therefor.

### *Forfeiture for Non-user.*

Forfeiture by non-user.

196.—(1) In case the company at any time ceases to regularly use the whole or any part of its railway for a period of eighteen months, it shall, upon its being so ordered by the Board, forfeit the right to use the railway or the part unused, as the case may be, together with the rails, poles and wires thereof, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the highways in proper repair.

Lien of municipality.

(2) The municipality shall have a lien upon the rails, poles, wires, rolling stock, and other property of the company until the expense of taking up the rails and putting the highways in proper repair is paid.

### *Additional Powers of Electric and Street Railways.*

Powers as to production and use of electricity.

197. Railway companies operating by electricity and street railway companies shall also have power:

(1) To construct, maintain and operate works for the production of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company.

Purchase of water powers and stock in water or power company.

(2) To acquire by lease or purchase and to hold, utilize and develop water powers and the necessary land therewith, and to construct the necessary plant for the purpose of generating electricity for lighting, heating and power in operating the said railway.

Arrangements for supply of power.

(3) To enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric power

power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on or operate the railway.

(4) To purchase, lease or acquire by voluntary donation and to hold for any estate in the same and to sell, lease, alienate or mortgage any lands or premises intended and necessary or suitable for park or pleasure grounds and to improve and lay out such lands as parks or places of public resort and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate or any of them, in respect thereto, subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause. No such park or pleasure grounds shall be used for games, pic-nics, concerts, excursions or other public entertainments on Sunday.

Power to  
acquire lands  
for parks, etc.

Proviso.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the lands affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon the company shall not be exercised within the limits of any

Acquiring  
rights for con-  
veying elec-  
tricity.

Park



Park vested in the Crown for the use of the public of the Province of Ontario or any land vested in any commissioners for any such park without the consent of the commissioners and the approval of the Lieutenant-Governor in-Council.

Construction of  
railway on  
highways.

(6) Subject to the provisions of sections 202 to 208, inclusive, and of section 218 of this Act, no railway or street railway shall be constructed or operated along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality and under and subject to the terms of such agreement and of section 217 of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with the motive power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines thereof shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property.

Notice to be  
given before  
passing by-law  
authorizing  
construction  
on highways.

198.—(1) No municipal council, notwithstanding anything contained in this or any other Act to the contrary, shall pass a by-law authorizing any electric railway company or street railway company to lay out or construct its railway along any public highway, until written or printed notices of the intended by-law, specifying the route to be taken by the railway, shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or, if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such newspaper, then in a newspaper published in the county town.

Objectors to be  
heard by  
council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

Appeal to  
Board to quash  
or amend.

(3) If after hearing such objections as may be made, the council shall pass a by-law authorizing the construction of a railway or street railway on, upon or along any highway, any fifteen freeholders in the municipality may petition the Board to amend or quash such by-law, and upon such



such petition after hearing all parties interested the Board shall have power to amend such by-law in such manner as to the Board may seem proper or to quash the same.

(4) The costs of such proceeding shall be in the discretion of the Board and may be fixed by the Board or taxed by one of the taxing officers of the Supreme Court of Judicature. Costs.

(5) This section shall not apply to extensions within the limits of a city or town of a street railway already constructed. Section not to apply to certain extensions.

199. The company may, at any point or points where its railway may run along the highway, deviate from such highway to a right of way owned by the company provided that no obstruction of such highway shall be made by such deviation; but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction; provided that the right by this section conferred shall not be exercised by the company without the consent of the Board; and the Board may, upon such terms as seem just, on application of the company, order that the said company may make such deviation. Power to deviate.

200. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to any railway or street railway any exclusive rights, privileges, or franchise, as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality. Limitation of transmission of electrical energy.

### *Expropriation by Street Railway Companies.*

201.—(1) In case the council of a municipality, by resolution, declares that the council is of opinion that a company incorporated with power to construct a street railway in the municipality should have powers of expropriation for the purposes of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality, the company, upon registering the resolution in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under the sections of this Act relating to the taking of lands without the consent of the owner. Expropriation of land, when and to what extent allowed.

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara, and for a width inland of one mile from the River Niagara.

*Duration of Street Railway Franchises.*

Time for which municipality may grant privileges.

**202.**—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty-five years, but at the expiration of twenty-five years from the time of passing the first by-law which is acted upon, conferring the right of laying rails upon any highway, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving to the company one year's notice prior to the expiration of the period limited, assume the ownership of the street railway, and all real and personal property in connection with the working thereof, on payment of the actual value thereof, to be determined by the Board. In ascertaining the actual value of such street railway and real and personal property, the franchise or control of tracks upon the highways shall not be estimated as of any value whatever.

Municipality may assume the ownership.

(2) In case the corporation fails to exercise the right of assuming the ownership of the street railway, at the expiration of the said period, the corporation may exercise such right at the expiration of any fifth year thereafter, upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council.

Mode in which right to purchase to be exercised as between different municipalities interested.

**203.** If a street railway is situated in two or more municipalities, the city or town municipality shall have the right to exercise the power of purchase herein conferred, unless the municipal councils agree otherwise between themselves; and the corporation purchasing shall thereafter possess all the powers and authority and be subject to all the conditions and restrictions theretofore enjoyed and suffered by the company, and shall, as to other municipalities into which the railway runs, be subject to the like liabilities; and shall be subject to all orders and directions of the Board in the same manner and to the same extent as a company operating a street railway.

Municipality dissatisfied with terms as to railway in certain cases, may require an arbitration.

**204.**—(1) The council of a municipality into which a street railway runs may at any time after the right of assuming the ownership of the street railway accrues to such municipality, or to any other municipality, require that the terms upon which the street railway shall be operated in such municipality be determined, and the terms, unless the parties in the meantime agree, shall be determined by the Board, and such arrangement shall remain in force for ten years.

Re-adjustment of terms.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a city or town to assume the ownership of the street railway at the expiration of any fifth year.

205. The municipal corporation purchasing may, at any time, transfer its rights to its street railway lines or any of them, and the whole or any part of the plant of the railway to any person or company authorized to operate a street railway; subject to such terms and conditions as may be agreed upon by such street railway company and the municipal corporation.

Municipality acquiring railway may transfer same to a company.

206. A company to which any lines of street railway have been transferred by a municipal corporation shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer.

Application of preceding section.

207. Any municipal corporation assuming the ownership of a street railway and operating the same shall be deemed to be a street railway company for all the purposes of this Act.

Municipality owning street railway to be deemed company.

### *Duration of Privileges to Operate Electric Railways along Highways.*

208.—(1) No municipal council shall grant to any railway company operating by electricity any privilege to operate along a highway for a longer period than twenty-five years.

Franchise in highways limited to twenty-five years.

(2) At the expiration of the said period of twenty-five years the council of any municipality, along the highways of which such railway or any portion thereof is operated, may agree to extend such privilege for a further term of years not exceeding twenty-five years, upon such terms and conditions as may be agreed by the municipality and the company, or with the consent of the Board such municipality may assume the ownership of that portion of the railway operating along the highways of such municipality within its limits, upon payment of the actual value thereof, to be determined by the Board. In determining such actual value the franchise or control of the tracks upon such highways shall not be estimated as of any value whatever.

Powers of municipality.

(3) The ownership of such portion of such railway shall not in any case be assumed by such municipality unless notice of the intention of such municipality to assume such ownership has been given to the company one year prior to the expiration of the privilege or franchise, and in no case shall a municipality assume such ownership without the written consent of the Board.

Notice of intention to take over railway.

Application of  
section.

(4) This section shall only apply to electric railways that are not street railways.

*Fenders, Brakes, etc.*

Fenders and  
other appli-  
ances.

209. The company, when operating any portion of its line by means of electricity along a highway shall from time to time adopt and use in the front of each motor car a fender or guard and shall from time to time adopt and use a brake and such other life saving appliances as shall be of a design approved from time to time by the Board as suitable for use by the company, having regard to the efficiency of such fender, guard, brake and other life saving appliances for life saving purposes, and to the location of the company's line, and the speed at which the company's cars may be run.

Fenders, etc.,  
to be adopted  
when ordered.

210. The fender, guard, brake or other life saving appliance so approved of by the Board shall be adopted and used upon the cars of the company within the time fixed by the order approving of the same, or by any order extending the said time; provided that where the cars of a company are equipped with fenders of a class so approved by the Board the company shall not be liable for non-compliance with any by-law or agreement relating to the class of fenders to be used in any city, or town, or any requirement of the engineer or other officer of the municipality under any such by-law or agreement.

Proviso.

Penalties for  
not providing  
fenders, etc.

211. The company shall pay to the corporation of the municipality in which such road is operated the sum of ten dollars for each day in which any motor car is operated within such municipality without having such a fender, guard, brake or other life saving appliances thereon, except in cases of accident or unavoidable necessity; such sum or sums to be recovered from such company in a civil action.

Tests of  
fenders, brakes,  
etc.

212. If the Board shall so order the company shall allow tests to be made on any of its motors or cars, of any fender, guard, brake or other life saving appliance that the Board may consider it advisable to have tested with a view to ascertaining its efficiency for the purpose for which it is designed.

*Lavatories, etc.*

Conveniences  
for street rail-  
way employees.

213.—(1) All street railway companies shall, within six months after being so ordered by the Board, provide, furnish and thereafter maintain suitable and sanitary urinals and other conveniences for the use of the employees of the company



company operating its cars. Such urinals and other conveniences may be located upon land owned or provided by the said company and reasonably accessible to each of the various lines of railway operated by the said company, and at such points as the Board may direct, within the limits of the city or town, and the employees of the said company shall be allowed reasonable opportunity of access thereto.

(2) The company shall be liable to a penalty of ten dollars per day for each day it shall neglect to provide each or any of the said urinals or other conveniences. Penalty for not supplying.

(3) The cost of such urinals and conveniences shall be borne by the company or by the city or town within the limits of which the company's lines are operated, or by both in such proportions, in case the parties are unable to agree, as may be determined by the Board. Cost of providing conveniences.

(4) The Board may, in its discretion, order the city or town to provide the site for the company upon such terms as to cost and otherwise as the Board may determine. City or town may be ordered to provide site.

(5) When so ordered by the Board, such urinals and conveniences shall be open to the public as well as the employees of the company, and when so open to the public the Board may order the cost of the maintenance of the same to be borne by the city or town and the company in such proportions as to it may seem proper. Board may order conveniences to be open to the public.

214.—(1) The Board may order the company to provide sanitary conveniences for the use of passengers on all passenger cars. Sanitary conveniences on cars.

(2) This section shall only apply to electric railways that are not street railways, and to steam railways.

### *Unclaimed Property.*

215. It shall be the duty of every street railway company which shall have unclaimed property left in its cars, to ascertain if possible, the owner or owners of such property, and to notify such owner or owners of the fact by mail as soon as possible, after such property comes into its possession. Every such company which shall have such property not perishable in its possession for the period of three months, may sell the same at public auction, after giving notice to that effect, by one publication, at least ten days prior to the sale, in a daily newspaper published in the city or town in which such sale is to take place, of the time and place at which such sale will be held, and such sale may be adjourned from time to time until all the articles offered for sale are sold. All perishable property so left, may be sold by any such street railway company without notice, as soon as it can be, upon the best terms that can be obtained. Disposal of unclaimed property on street railways.

*Transfer in Ownership of Highways.*

Agreements with companies as to certain matters to enure for benefit of municipality owning road.

216. In case any railway operated by electricity upon a highway or a portion of which is so operated has been heretofore, or shall hereafter be, constructed in any municipality under any agreement with the council thereof, or with the council having the control of the highway therein, and the territory, or any part of the territory in which such railway has been, or shall be constructed, is subsequently to the making of such agreement, removed from one municipality to another, or the highway along which such railway has been or shall be constructed, has ceased to be owned or controlled by one municipality, or the council thereof, or by any council having the control of such highway, and has become vested in or has been placed under the control of another municipality or the council thereof, then so far as such agreement relates to the maintenance and repair of the track and roadbed of the railway or the remaining portions of the highway or highways over which the railway is operated, and to the removal of snow and ice from the company's track and the disposal of such snow and ice upon the highway or elsewhere the corporation of such last mentioned municipality and any officer or person appointed for such purpose shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person named therein and charged with the performance of any duty in respect to the matters aforesaid thereunder.

AGREEMENTS WITH MUNICIPALITIES FOR OPERATING ALONG HIGHWAYS.

Clauses to be included in agreements.

217. Any agreement made after the passing of this Act between a municipal corporation and a company under which agreement the company obtains a right or franchise to operate along a highway shall (unless such provisions or any of them are expressly excluded from such agreement), be deemed to contain the clauses set forth in the following subsections hereof, viz. :

Grade.

(a) The rails of the company shall conform to the grade of the street.

Rails to be flush with street, etc.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company.

(c)

(c) The company so long as it shall continue to use any of its tracks on the travelled portion of the highway shall keep in repair the whole space used on its track allowances, crossings, switches and turnouts and eighteen inches of the highway outside of its tracks. Company to keep roadway in repair.

(d) If the company neglect to keep in repair its track allowances and crossings, switches and turnouts or to have the necessary repairs according to the agreement made thereon, the council of the municipality may give notice to the company requiring such repairs to be forthwith made, and the certificate of the engineer appointed by the council for the time being as to the necessity for such repairs shall be binding and conclusive upon the company, and if after the giving of such notice the company do not within one week begin, and thereafter, with all reasonable diligence, carry such work of repairing to completion, the municipal council shall have the right to cause such repairs to be made, and the company shall pay to the treasurer of the municipality the expenditure incurred in making or completing such repairs. Company neglecting to repair.

(e) The payment of such amount shall not relieve the company from any penalty provided for the omission to repair by the agreement between the municipal corporation and the company. Penalty.

(f) No car or train of cars shall be operated on the travelled portion of any highway at a greater speed than fifteen miles an hour unless authorized by the Board, and shall operate at a lesser rate of speed if ordered and directed by the Board. Speed.

(g) At the intersection of the company's railway and cross streets or highways crossing or intersecting the highway upon which the railway is operated the company shall construct and keep in repair crossings of a similar character to those adopted by the municipality and shall construct underneath its track allowance such culverts and waterways as are in the opinion of the council of the municipality or its engineer or other officer appointed for that purpose necessary for drainage purposes, and shall at the entrance to private properties abutting upon the company's railway construct such approaches as may be directed by the council or such officer or by the Board. Intersecting roads.

(h) When the company's tracks are built over any existing culvert the company shall when so directed by the council or such engineer or other officer or the Board extend such culvert so that the portion of the highway to be travelled upon by the public shall have a width of at least eighteen feet between the company's nearest tracks and the end of the culvert upon the side of the road opposite to such track. Culverts.

(i) The company shall remove the snow from, and without in its tracks and switches, but any snow put upon the Snow graded

graded part of the road by the company shall be evenly spread thereon in a manner to be approved by the council or its engineer or other officer.

Taking up  
streets by  
municipality.

(j) The municipal council may at any time, after giving to the company 20 days' notice of its intention so to do, take up any part of the highway along which the company's railway is constructed, for the purpose of altering the street or road grade, constructing sewers, drains, culverts or side crossings, laying down gas and water pipes or underground wires, and for all other purposes within the province and privileges of a municipal corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith. When and so often as it may be necessary for the municipal corporation to open the road or street for the purpose of repairing such street or road, sewer, drains, culverts, gas or water pipes, or underground wires, or for putting in gas, water or other services, a reasonable notice shall be given to the company of the council's intention so to do, and the work thereon shall not be unnecessarily delayed but shall be carried on and completed with all reasonable speed, due regard being had to the proper and efficient execution thereof.

Work to be  
done to satis-  
faction of  
municipality's  
engineer.

(k) All work done under the authority of the agreement shall be done in the most substantial manner and according to the best modern practice under the superintendence and to the satisfaction of the engineer or officer appointed by the council for such purpose with a right of appeal to the Board.

Alignment,  
switches and  
grades.

(l) The alignment of the company's tracks, the location of switches and the grades of the roadbed of its railway shall be prescribed by such engineer or other officer.

Company to  
pay for engi-  
neer.

(m) The company shall repay to the municipality all sums paid by it to such officer or engineer for services performed by him in connection with the company's work.

Right of public  
to use track  
allowances.

(n) All persons using the said highway shall be at liberty to travel upon any portion of the travelled roadway occupied by the company's railway, and in the same manner as upon other portions of the highway, and vehicles of every description are to be allowed upon such portions of the highway, it being provided, however, that the company's cars shall have the first right of way over the said railway, and all vehicles or persons travelling on that portion of the highway occupied by the railway shall turn out to let the trains or cars pass—and any person refusing or neglecting so to do shall be liable on summary conviction to a fine of not more than ten dollars and costs.

"Travelled  
portion,"  
meaning of.

(o) The words "travelled portion" where used in this section as applicable to roads, streets or highways shall be deemed



deemed to mean that central portion of roads, streets or highways between the ditches or drains on either side thereof and ordinarily used for vehicular traffic.

*Radial Lines.*

218.—(1) Notwithstanding anything in this Act contained, <sup>Operating in cities.</sup> the railway shall not be constructed along any highway within the limits of any city or town except upon and subject to such terms and conditions as may be agreed upon between the company and the street railway or electric railway, if any, already operating in such city or town and the council of the corporation of such city or town. <sup>Proviso.</sup> Provided always that if there is an existing agreement between such city or town and the street railway or electric railway already operating in such city or town then the railway shall not be constructed along any such highway, except, upon and subject to the terms of such existing agreement; <sup>Proviso.</sup> provided also, that where no provision is contained in any agreement between any street railway or electric railway company and the city or town for the admission of other electric or street railways, then if the council of such city or town shall by by-law or resolution request the street railway company or electric railway company already operating in such city or town, to allow its tracks or any of the streets to be used for the entrance of such other railway, or if such street railway company or electric railway company or such other railway shall by by-law or resolution request the city or town to permit the entrance of the railway into such city or town, the company so operating in the city shall permit its tracks or any streets to be so used to some central point in the said city or town, and the said city or town shall permit such other railway to enter within the limits of such city or town, upon such terms and conditions as to compensation, location of central point, and otherwise as may be mutually agreed upon between such other railway, the council and such street railway or electric railway company, or as shall be settled and determined by the Board in case the council and the said two companies are unable to agree upon the same.

(2) The Board shall not (without the consent of the city or town) grant to any company desiring to operate within any such city or town any right or privilege to so operate for a longer period than the unexpired term of the franchise or privilege held or enjoyed by any company which at the date of the application to the Board under this section is operating a railway or street railway within the limits of such city or town. <sup>Grant of franchise to radial railway not to extend beyond street railway company's franchise.</sup>

(3) At the expiration of such term a new agreement <sup>Renewal of agreements.</sup> may be made as to a renewal of the same for a further period

period not exceeding twenty-five years, and in the event of the parties being unable to agree, the Board may in its discretion order a renewal thereof upon such terms and conditions as shall be determined by the Board.

Rights of municipality as to taking over railway not affected.

(4) This section shall not be construed to confer upon the Board the power to vary or annul any provision, contained in the agreement between the parties or in the order of the Board, allowing the entrance of such other railway, which grants to the corporation of the city or town interested the right to take over and assume the ownership of such other railway within the limits of such city or town on the expiration of any such term.

Application of street railway sections to radial lines.

**219.** Any railway company operating in cities or towns shall, in addition to such terms, conditions, regulations and restrictions as may be contained in any agreement with or by law of the city or town, be subject as to that portion of the railway within the limits of such city or town to the provisions of this Act respecting the construction and operation of street railways.

Existing agreements.

**220.** This Act shall not, except where the same is so expressed, be construed to vary or rescind, or to confer upon the Board power to vary or rescind any agreement lawfully entered into between a municipal corporation and a railway or street railway company, or between two or more railway or street railway companies prior to the passing of this Act.

### *Examination of Motormen.*

Examination of applicants for position as motorman.

**221.—(1)** No applicant for a position as a motorman on any railway or street railway operated by electricity shall be appointed to such position until he has been subjected to a thorough examination by an examiner or examiners to be approved by the Board as to his habits, physical ability and intelligence. He shall then be placed on a car with an instructor, and when the said examiner is satisfied as to the applicant's capability for the position of motorman, he shall so certify to the Board, and, if appointed, the applicant shall, so far as reasonably possible, first serve on the lines of least travel.

Company to pay examiner.

**(2)** The company shall pay for the services of such examiner.

### EXAMINATION FOR COLOUR BLINDNESS.

Examination as to eyesight.

**222.—(1)** No company shall hereafter employ any person in a position which requires him to distinguish form or colour signals unless such person, within two years next preceding his appointment, has been examined for colour blindness on the distinct colours in actual use as signals on the

the company's line of railway, and also as to his eyesight generally, by some competent person to be employed for the purpose by the company and has received a certificate that he is not disqualified for such position by colour blindness, or otherwise in respect of his eyesight, in the colours and forms used on such railway or on railways crossing or connecting with it.

(2) The company shall cause such employees to be re-examined for colour blindness, and otherwise in respect of their eyesight, at least once in every two years. Re-examination.

(3) Nothing in this section contained shall prevent the company from continuing in its employment any employee having defective sight in cases where the same can be fully remedied by the use of glasses or by other means satisfactory to the person making the examination. When defect can be remedied by glasses

(4) For violation of the provisions of this section the company shall for each offence be liable to a penalty of one hundred dollars. Penalty.

(5) This section shall apply to street railways. Application to street railways.

#### ACTIONS FOR DAMAGES.

**223.**—(1) All actions or suits for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage within one year next after the doing or committing of such damage ceases, and not afterwards. Limitation of action for damages.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, as to or upon any breach of duty in the carriage of any traffic nor to any action against the company for damages under any section of this Act respecting tolls. Pleadings.

(3) This section shall apply to street railway companies. Certain actions excepted.

#### AGREEMENTS WAIVING RIGHT TO DAMAGES FOR DEFECTIVE MACHINERY VOID.

**224.**—(1) No company owning or operating a railway or street railway in whole or in part in this Province shall adopt or promulgate any rule or regulation for the government of its servants or employees, or make or enter into any contract or agreement with any person engaged in or about to engage in its service, in which such employee directly or indirectly, promises or agrees to hold such company harmless, on account of any injury he may receive by reason of any accident to, breakage, defect or insufficiency in the cars, motors, locomotives or machinery or attachments thereto belonging, and any such rule, regulation, contract or agreement shall be void and of no effect. Application to street railways.

Contracts waiving right to damages to employees void.

effect. And no such company shall demand, accept, require, or enter into any contract or agreement with any person about to enter, or in the employ of the company whereby such person agrees to surrender or waive any right to damages for personal injury or death against any such company thereafter arising; and all such contracts and agreements shall be void.

Person.

(2) Every company violating or aiding in the violation of this section shall for each offence be liable to a penalty of five hundred dollars to be recovered in any court of competent jurisdiction by any person suing therefor.

Company not to operate defective machinery.

(3) No such company shall knowingly or negligently use or operate any car, motor or locomotive that is defective, or any car, motor or locomotive upon which the machinery or attachments thereto belonging are in any manner defective.

Application to street railways.

(4) This section shall apply to street railways and street railway companies.

#### WAGES OF LABOURERS.

Rate of wages of labourers on construction of lines subsidized by Legislature.

225. In every case in which the Legislature has granted or shall grant financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate; and in the event of a dispute arising as to what is the current rate in such district, or a fair and reasonable rate, it shall be determined by the Board, whose decision shall be final.

#### LIEN FOR WAGES.

Lien for wages.

226.—(1) Every mechanic, labourer or other person who performs labour for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages for thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act*.

Rev. Stat. c. 153.

Application to street railways

(2) This section shall apply to street railways.

#### HOURS OF LABOR.

Limit of duration of continuous employment.

227. No company operating a line of railway of twenty miles in length or over, shall permit or require a conductor, engineer, motorman, fireman, trainman, despatcher or signal



signal man who has worked in any capacity for sixteen consecutive hours, to go again on duty to perform any kind of work, unless he has had at least six hours' rest.

### RETURNS.

228.—(1) Every company shall annually prepare in accordance with forms which shall from time to time be provided and supplied to the companies by the Board, returns of its capital, traffic and working expenses, and of all information required, as indicated in such forms to be filed with the Board; and such returns shall be dated and signed by, and attested upon the oath of the secretary, of the company, and of the president, or in his absence, of the vice-president or manager of the company.

Annual returns to be prepared.

(2) Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the preceding year.

What period to be included

(3) Such returns, dated, signed and attested in manner aforesaid shall be forwarded by such company to the Board within three months after the thirty-first day of December in each year.

Date of returns

(4) The company shall also, in addition to the information required to be furnished to the Board, as indicated in subsection 1 hereof furnish such other information and returns as are, from time to time, required by the Board or as shall hereafter be ordered by the Legislature.

Further returns when required.

(5) The Board shall transmit the returns so made to the Lieutenant-Governor in Council who shall lay the same before the Legislature, within twenty-one days from the commencement of each session thereof.

Returns to be submitted to Legislative Assembly.

229. The company shall, within ten days after the first days of January and July, in each and every year, make to the Board, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to persons or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

Return of accidents to be made semi-annually.

1. The causes and nature of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3.

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of the railway.

Forms to be appointed by the Commissioner.

**230.** The Board may order and direct, from time to time, the form in which such returns shall be made.

Such returns to be privileged communications.

**231.** All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any court whatsoever except to enforce the penalties for failure or neglect to furnish such returns as required by this Act.

Returns to Board, of assets and liabilities.

**232.** The Board may, from time to time, by notice served upon the company, or any officer, servant or agent of the company, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires, the assets and liabilities of the company—the amount of its stock issued and outstanding—the date at which any such stock was so issued—the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued—the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made—the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given—the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if any, have been redeemed,—the amount and nature of the consideration received by the company for the issue of such bonds—the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created—the cost of construction of the company's railway or of any part thereof,—the amount and nature of the consideration paid or given by the company for any property acquired by it,—the particulars of any lease, contract or arrangement entered into between the company and any other company or person,—and generally, the extent,

Of stock issued and outstanding.

Of earnings and expenditure.

Of bonuses.

Of bonds.

Of secured liabilities.

Of cost of property.

Of cost of acquisitions.

Of leases and contracts.

Generally.

nature,

nature, value and particulars of the property, earnings, and business of the company.

**233.** The Board may summon, require the attendance of, and examine under oath, any officer, servant or agent of the company, or any other person, as to any matters included in such return, or which were required by the notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in the last preceding section mentioned, and for such purposes may require the production to the Board of any books or documents in control of the company, or of such officer, servant, agent or person.

Powers of Board respecting returns.

Or inquiries respecting same.

Production documents.

**234.** If any company or officer, servant, or agent thereof wilfully or negligently refuses to make the returns required by this Act or by the Board under the authority thereof when, and as thereunto required by the Board, or fails to make any such return to the utmost of its, or his knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally be liable to a penalty not exceeding twenty dollars.

Refusal to make returns.

Penalties.

**235.** If the company, or any officer, servant, or agent thereof, wilfully or negligently makes any false return, or any false statement in any such return, the company, and any such officer, servant or agent, shall be severally liable to a penalty not exceeding five hundred dollars, and such officer, servant or agent shall also on summary conviction, be liable to imprisonment for any period not exceeding six months in the common jail of the county where such conviction is had.

Making false returns to Board.

**236.** The sections relating to "Returns," being sections 228 to 235, inclusive, of this Act, shall apply to street railway companies.

Application of sections 228-235

#### INVESTIGATION OF ACCIDENTS.

**237.**—(1) Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company of any accident, give notice thereof, with full particulars, to the Board; and every company which wilfully and negligently omits to give such notice shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Notice of accident.

Penalty for omission.

Form of notice and investigation into accidents.

(2) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which the next preceding subsection shall apply, and may declare any such information so given to be privileged, and the Board may inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of, and the circumstances connected with, any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Report.

(3) The Board may order the company to suspend or dismiss any employee of the company whom it may deem to have been wilfully negligent in respect of any such accident.

Result of enquiry to be reported to Government.

(4) The Board shall include in their annual report to the Lieutenant-Governor in Council, the result of any such enquiry with such recommendations as to it may seem proper.

Application to street railways.

(5) This section shall apply to street railway companies.

#### ANIMALS AT LARGE.

Cattle not allowed at large near railway.

238.—(1) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail-level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway.

May be impounded.

(2) All cattle found at large contrary to the provisions of this section may, by any person who finds the same at large be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom the same are impounded shall detain the same in the like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Right of action negatived.

(3) If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

Application of section.

(4) This section shall apply only to railways where operating either by steam or electricity upon a right of way owned by the company.



## OFFENCES AND PENALTIES.

239.—(1) No company shall, either directly or indirectly, <sup>Purchasing stock in other companies.</sup> employ any of its funds in the purchase of its own stock or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada; but this shall not affect the powers or rights, if any, which any company in Ontario now has or possesses by virtue of any special Act to acquire, have or hold shares, bonds or other securities of any railway company in Canada or the United States.

(2) Every director of a railway company, who knowingly <sup>Liability of directors.</sup> permits the funds of any such company to be applied in violation of this section, shall incur a penalty of one thousand dollars for each such violation, which penalty shall be recoverable on information filed in the name of the Attorney-General of Ontario; and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer, and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid.

240.—(1) Every person not connected with the railway, <sup>Walking on track prohibited.</sup> or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars.

(2) Every person who wilfully breaks down, injures, <sup>Destruction of fences, bridges, etc.</sup> weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of, or extract from this Act or any other Act of the Legislature, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months. <sup>Defacing notices, etc.</sup>

(3) Every person who enters upon any railway train with intent fraudulently to be carried upon the said railway train without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with <sup>Fraudulently attempting to travel without paying fare.</sup> <sup>Obstructing railway authorities.</sup> <sup>Trespassing.</sup>

Penalties. in like manner, as mentioned in subsection 2 of this section in regard to the offences therein mentioned.

Board may order foot-bridges erected at level crossings.

Subsequent use of highway crossing.

241.—(1) If the Board orders any company to erect, at or near, or in lieu of, any highway crossing at rail level, a foot bridge, or foot bridges, over its railway, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges, from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such crossing shall not be used by foot passengers on the said highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Penalty for non-compliance.

(2) Every person who offends against the provisions of this section is liable, on summary conviction to a penalty not exceeding ten dollars.

Penalty for erection, etc., of structures in violation of this Act.

242. Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars.

Liability of company, directors, etc., in certain cases.

243. The company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by the company, doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Board made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such company, or person, is liable to any person injured thereby for the full amount of damages sustained by such act or omission; and if no other penalty is, in this or the special Act, provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable.

Damages.

Penalty.

Selling liquor to railway employees on duty.

244. Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while actually employed in the course of his duty on a train or car or while in uniform or in connection with the operation of a train or car, is liable on summary conviction to a penalty not exceeding twenty-five dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both.

Employees intoxicated while on duty.

245. Every person who is intoxicated while he is in charge of a locomotive engine, or electric motor, or acting as the conductor

conductor of a car or train of cars, shall be liable on summary conviction to a penalty of \$200 or imprisonment for one year or both.

246. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company or its directors lawfully made and in force, or any order or notice of the Board, or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs is liable on summary conviction to a penalty of not less than \$5 and not more than \$50 or to imprisonment with or without hard labour for not more than three months or to both.

Violation by employees, of by-laws, etc., punishable in certain cases.

Penalty.

247. Every person who wilfully or negligently violates any lawful by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars; but no such person shall be convicted of any offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was posted in some conspicuous place at or near the station at which the offender entered the train or in the passenger cars of the train.

Violation of by-laws, etc., by other persons.

Proviso as to posting by-law, etc.

248. Every person who unlawfully and maliciously,

(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, or about any car, wagon, boat, warehouse, station house, wharf, quay or premises of, or which belong to any company, or—

Damaging freight with intent to steal contents.

(b) drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,—

Drinking or wasting liquor.

is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both.

Penalties.

(c) Any person who wilfully breaks down, injures, weakens, destroys or interferes with any pole, wire, insulator, structure or erection for carrying wires of an electric rail-

Interfering with electric wires, poles, etc., or notices.

way company, or for the transmission of electric power, or who shoots at any insulator on any such poles, erections or structures, with fire-arms of any kind, or throws stones or other missiles at, or breaks, or attempts to break the same in any way, or flings or causes to be placed any wire, rope, string or stick at, upon or across the said wires, or without authority climbs any of such poles or structures or erections used for transmitting electric current, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of the Lieutenant-Governor in Council or of any commission appointed by him or of a company or of a municipal corporation or any section or extract from this Act or any other Act of the Legislature pasted, attached or affixed to or upon any pole, tower, fence, post, gate, building or erection of the company, shall be liable on summary conviction to a penalty not exceeding \$100 and not less than \$15, or in default of payment to imprisonment for a term not exceeding six months.

Each day's violation of this Act, or order hereunder, a distinct offence.

249. When the violation of, or failure to comply with, any provisions of this Act, or any regulation or order or direction of the Board, or of any inspecting engineer, is made an offence subject to penalty, by this Act, or by any regulation made under this Act, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence.

Act or omission of officer, etc., deemed to be act or omission of Company.

250. For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Board, or of any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company acting within the scope of his employment shall in every case be also deemed to be the act, omission or failure of such company as well as that of the person; and anything done or omitted to be done by the company, which, if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and upon conviction thereof the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons.

Certain penalties may be imposed on summary convictions.

Recovery of penalties.

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

251. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture of the privileges or franchise conferred on it by the said Acts or by any agreement made between the company and any municipal corporation if by the provisions thereof, or by law, the same be forfeited by such contravention.



**252.** The sections of this Act relating to offences and penalties, being sections 239 to 251 inclusive, shall so far as applicable apply to street railways and street railway companies.

Sections 239-251  
to apply to  
street railways.

#### RECOVERY AND PAYMENT OF PENALTIES.

**253.** The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant, or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay.

The Company  
may pay pen-  
alty and de-  
duct from  
wages.

**254.** All penalties incurred under any of the sections of this Act, unless otherwise provided, may be recovered in the name of His Majesty, by His Majesty's Attorney General for Ontario, in any court of competent jurisdiction; and all penalties recovered under this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Consolidated Revenue Fund."

How penalties  
recovered and  
applied.

**255.** The last preceding two sections shall apply to street railway companies.

Application to  
street railways.

#### TRANSMISSION OF POWER ON RIGHT OF WAY.

**256.** The Board, upon receiving instructions in that behalf from the Lieutenant-Governor in Council, and the officers, agents and servants of the Board, may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor in Council and the company.

Crown may  
use right of  
way for the  
transmission of  
power to mun-  
icipalities.

#### USE OF RAILWAY BY DOMINION GOVERNMENT.

**257.**—(1) His Majesty's Mail, His Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on His Majesty's service, shall at all times, when thereunto required by His Majesty's Postmaster-General, the Commander of the Forces,

Provision as to  
the carriage of  
His Majesty's  
mail, etc.

or

or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council as the case requires.

Government  
to have exclu-  
sive use of  
telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Application to  
street railways

(3) This section shall apply to street railway companies.

#### CONVEYANCES OF LAND.

Conveyances  
of land to  
Company.

**258.**—(1) Conveyances of land to the company, for the purposes of and powers given by this Act, made in the form set forth in Schedule "B" to this Act or to the like effect, shall be sufficient conveyance to such company, its successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof.

Application to  
street railways

(2) This section shall apply to street railway companies.

#### REPEAL OF ACTS.

Repeal of Acts.

**259.** The following Acts of the Legislative Assembly are hereby repealed:—

Chapter 207 of the Revised Statutes of Ontario, "*The Railway Act of Ontario*"—the whole.

Chapter 208 of the Revised Statutes of Ontario, "*The Street Railway Act*"—the whole.

Chapter 209 of the Revised Statutes of Ontario, "*The Electric Railway Act*"—the whole.

Chapter 11 of 62 Victoria, 2nd session—section 23.

Chapter 25 of 62 Victoria, 2nd session—the whole.

Chapter 31 of 63 Victoria—the whole.

Chapter 25 of 1 Edward VII.—the whole.

Chapter 26 of 2 Edward VII.—the whole.

Chapter 27 of 2 Edward VII.—the whole.

Chapter 17 of 3 Edward VII.—the whole.

Chapter 10 of 4 Edward VII—section 79.

Commence-  
ment of Act.

**260.** This Act shall come into force on the first day of June, 1906.

SCHEDULE "A"

### SCHEDULE "A."

(Section 145.)

### CHIEF ENGINEER'S CERTIFICATE.

The \_\_\_\_\_ Railway Company's Office, No. \_\_\_\_\_  
A.D. 190 \_\_\_\_.

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The  
Railway Company Municipal Trust Account given  
under section 145 of *The Ontario Railway Act, 1906.*

I, \_\_\_\_\_, chief engineer of The \_\_\_\_\_ Railway Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the said By-law No. \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, between the corporation of \_\_\_\_\_ and the company) to entitle the said company to receive from the said trust company the sum of \_\_\_\_\_ (*here set out the terms and conditions, if any, which have been fulfilled*).

### SCHEDULE "B."

(Section 258.)

Know all men by these presents that I (or we) *(insert the name or names of the vendor or vendors)* in consideration of \_\_\_\_\_ dollars paid to me (or us) by The \_\_\_\_\_ Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) *(insert the name or names of any other party or parties)* in consideration of \_\_\_\_\_

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals), this  
day of one thousand nine  
hundred and

Signed, sealed and delivered  
in the presence of

[L.S.]

## CHAPTER 31.

## An Act for the appointment of a Railway and Municipal Board.

*Assented to 14th May, 1906.*

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| <p>SHORT TITLE, s. 1.<br/>         INTERPRETATION, ss. 2, 3.<br/>         APPLICATION OF ACT, s. 3.<br/>         CONSTITUTION, OFFICES, SIT-<br/>         TINGS, ss. 4-12.<br/>         SECRETARY, s. 13.<br/>         SALARIES AND STAFF, ss. 14, 15.<br/>         GENERAL JURISDICTION AND POW-<br/>         ERS, ss. 16-25.<br/>             May act upon its own initia-<br/>             tive, s. 18.<br/>             Rules and Regulations, ss. 19-<br/>             21.<br/>             Notices, how given, s. 23.<br/>             Duty of Company on receipt<br/>             of order, s. 24.<br/>             Sheriffs, etc., to obey orders of<br/>             Board, s. 25.<br/>         PRACTICE AND PROCEDURE, EVI-<br/>         DENCE, ss. 26-42.<br/>             Existing orders of Railway<br/>             Committee, s. 32.<br/>             Powers of Railway Committee<br/>             until Board organized, s. 33.<br/>             Orders of Board may be made<br/>             orders of Court, s. 34.<br/>             Terms of Orders, ss. 35-38, 40.<br/>             General rules of practice, s. 39.<br/>             Judgments of other courts not<br/>             to bind Board, s. 41.</p> | <p>Stating case for Court of Ap-<br/>         peal, s. 42.<br/>         APPEALS, s. 43.<br/>         REFERENCE OF MATTERS TO BOARD<br/>         OF GOVERNMENT, s. 44.<br/>         COSTS, s. 45.<br/>         EXPENSE OF WORKS ORDERED BY<br/>         BOARD, s. 46.<br/>         PROCEEDINGS INSTITUTED BY AT-<br/>         TORNEY-GENERAL, s. 47.<br/>         BOARD MAY ORDER ENQUIRIES, ss.<br/>         48, 49.<br/>         WITNESS FEES, s. 50.<br/>         ADDITIONAL POWERS, ss. 51-54.<br/>             Assessment Appeals, ss. 51, 52.<br/>             Municipal matters, ss. 53-57.<br/>             Regulating electrical compan-<br/>             ies, s. 54.<br/>         ENQUIRIES INTO FACTS FOR GOV-<br/>         ERNMENT, ETC., s. 55.<br/>         ANNUAL REPORT, s. 56.<br/>         LABOUR DISPUTES, ss. 58, 59.<br/>         FEES AND EXPENSES, ss. 60-62.<br/>         ENFORCEMENT OF AGREEMENT BE-<br/>         TWEEN COMPANIES AND MUNICI-<br/>         PALITIES, ss. 63, 64.<br/>         PENDING PROCEEDINGS, s. 65.<br/>         COMMENCEMENT OF ACT, s. 66.</p> |
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**H**IS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of  
Ontario, enacts as follows:—

Short title

1. This Act may be cited as "*The Ontario Railway and Municipal Board Act, 1906.*"

Interpretation.

2. The interpretation sections of "*The Ontario Railway Act, 1906,*" shall apply to this Act.



3.—(1) All the provisions of this Act relating to railways shall apply to all railways, whether operated by steam, electricity or other motive power, including Street Railways; and the expression "Railway" shall include "a Street Railway."

To apply to street railways.

(2) "Public Utility" shall mean and include any water works, gas works, electric heat, light and power works and telegraph or telephone lines or any similar works supplying the general public with necessities or conveniences.

"Public utility."

#### NAME, CONSTITUTION, DUTIES, ETC.

4.—(1) From and after the appointment of the Board the Railway Committee of the Executive Council of Ontario shall be abolished.

Railway Committee abolished.

(2) The Lieutenant-Governor may from time to time appoint a Commission to be called "The Ontario Railway and Municipal Board."

Appointment of Commission.

(3) Such Board shall be composed of three members, one of whom shall be the chairman thereof who shall be appointed chairman by the Lieutenant-Governor in Council and shall continue to be chairman so long as he is a member of the Board.

Constitution of Board.

(4) Vacancies caused by death, resignation or otherwise may from time to time be filled by the Lieutenant-Governor in Council.

Vacancies.

(5) The Board shall have all the powers of a Court of Record and shall have an official seal which shall be judicially noticed.

Board to have powers of Court of Record.

(6) Each member of the Board shall hold office during pleasure.

Tenure of office.

(7) Whenever any power or authority is given or duty imposed upon the Railway Committee of the Executive Council of Ontario by any Act or document, such power, authority or duty may or shall, as the case may be, be exercised by the Board.

Powers, etc., of Railway Committee transferred to Board.

8. In case of the absence of the Chairman, or of his inability to act, the Vice-Chairman shall exercise the powers of the Chairman in his stead; and in such case all regulations, orders and other documents signed by the Vice-Chairman shall have the like force and effect as if signed by the Chairman. Whenever the Vice-Chairman appears

Power of Vice-Chairman.

appears to have acted for and instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman within the meaning of this section.

Quorum.

6. Not less than two members shall attend at the hearing of every case and the Chairman, when present, shall preside, and his opinion upon any question, which in his opinion is a question of law, shall prevail. In any case where there is no opposing party, and no notice to be given to any interested party, any one member may act alone for the Board.

Appointments  
*pro hac vice*.

7. Whenever any member is interested in any matter before the Board, the Lieutenant-Governor in Council may, either upon the application of such member or otherwise, appoint some disinterested person to act as member before the Board, the Lieutenant-Governor in Council also appoint a member *pro hac vice* in the case of sickness, absence or inability to act, of any member.

Members of  
Board not to  
hold railway  
stock, etc.

8.—(1) No member shall, directly or indirectly, hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company, street railway company or public utility subject to this Act or the said Act nor shall, directly or indirectly, have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of street railways, or of any rolling stock to be used thereon; and, if any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any interest therein, shall come to, or vest in any such member by will or succession, for his own benefit, he shall, within three calendar months after the same shall so come to, or vest in him, absolutely dispose of the same, or his interest therein.

Members of  
Board not to be  
officers or  
directors of  
certain  
companies.

(2) No member shall act as an officer or director of any public utility or of any company that has power to invest any portion of its funds in the securities of a railway company, street railway company, or public utility company.

Members to  
give whole  
time to work  
of Board.

9. The members shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section.

10. The Lieutenant-Governor in Council shall provide within the City of Toronto, a suitable place in which the sessions of the Board may be held, and also suitable offices for the members, Secretary, staff and other employees, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same, and for the performance of the duties of the Board. Offices at Toronto.

11. The members shall sit at such times and places and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business; they may, subject as in this Act or in the said *Ontario Railway Act, 1906*, mentioned, sit either together or separately, and either in private or in open court, but any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. Sittings of Board.

12.—(1) In case sittings of the Board or of any member thereof are appointed to be held in any city, town or place in which a Court House is situated, the member presiding at any such sittings, shall have, in all respects the same authority as a Judge of the High Court in regard to the use of the Court House and other buildings or apartments set apart in the county for the administration of justice. Use of court house.

(2) In case sittings of the Board or of any member thereof are appointed to be held in any municipality in which there is a Hall belonging to the municipality but no Court House, the municipality shall allow such sittings to be held in such Hall. Use of town hall.

13.—(1) There shall be a Secretary of the Board, who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. Secretary.

(2) It shall be the duty of the Secretary—

(a) To attend all sessions of the Board, to keep a record of all proceedings conducted before the Board or any member under this Act, to have the custody and care of all records and documents belonging or appertaining thereto, or filed in his office, and to obey all rules and directions which may be made or given by the Board touching his duties or the governance of his office. Duties of Secretary.

(b)

Regulations  
and orders of  
the Board.

- (b) To have every regulation and order made by the Board, drawn pursuant to the direction of the Board, signed by the Chairman, sealed with the official seal of the Board, and filed in the office of the Secretary.

Record books.

- (c) To keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order and every other document which the Board may require to be entered therein, and such entry shall constitute and be, and in all courts be deemed and taken to be, the original record of any such regulation or order.

Evidence.

Certified copies  
of regulations  
or orders.

- (d) Upon application of any person, and on payment of such fees as are authorized by this Act or as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order.

Acting  
Secretary.

- (e) In the absence of the Secretary from sickness or any other cause, the Board may appoint an Acting Secretary, who shall thereupon act in the place of the Secretary, and exercise his powers.

- (f) A member of the Board may act as secretary.

Salaries.

14. The Chairman shall be paid an annual salary of not more than \$6,000, and the other two members shall be paid each an annual salary of not more than \$4,000. The Secretary shall receive a salary to be fixed by the Lieutenant-Governor in Council of not more than \$2,000 annually.

Experts.

15.—(1) The Lieutenant-Governor in Council may from time to time, upon the request of the Board, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board.

Staff of Board.

(2) There shall be attached to the Board such officers, clerks, stenographers and messengers, as the Board, with the approval of the Lieutenant-Governor in Council, from time to time may appoint, at such salaries or remuneration as are recommended by the Board and approved by the Lieutenant-Governor in Council. The Board may, at will, dismiss any such employee.

Salaries.

Payment of  
appointee to  
make inquiry.

(3) Whenever the Board, by virtue of any power vested in it by this Act, or the said Act, appoints or directs any person



person, other than a member of the staff of the Board, to perform any service required by this Act, or the said Act, such person shall be paid therefor such sum for services and expenses as the Lieutenant-Governor in Council upon the recommendation of the Board, may, in such cases, determine.

(4) The salaries or remuneration of all such officers, clerks, stenographers, messengers, and appointees and all the expenses of the Board incidental to the carrying out of this Act and the said Act, including all actual and reasonable travelling expenses of the members, Secretary, and of such appointees or persons on the staff of the Board as may be required by the Board, to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of such moneys as may be voted by the Legislature for that purpose.

Salaries and expenses of staff, &c., how to be paid.

#### JURISDICTION AND GENERAL POWERS.

16. The Board shall have all the powers and authority vested in it by "*The Ontario Railway Act, 1906*," and shall also have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested;

Jurisdiction of Board upon application.

(a) complaining that the company, or any person or Municipal Corporation, has failed to do any act, matter or thing required to be done by this Act or the said Act or the Special Act, or by any regulation, order or direction made thereunder, by the Lieutenant-Governor in Council, the Board, or by any inspecting engineer, or by any agreement entered into by the company with any Municipal Corporation, or has done or is doing any act, matter or thing contrary to, or in violation of, this Act, or the said Act, or the Special Act, or any such regulation, order or direction, or any such agreement,—

Neglect of duties under any act, regulation, order or agreement.

(b) requesting the Board to make any order, or give any direction, sanction or approval, which by law it is authorized to make or give.

Giving orders, directions or approval.

17.—(1) The Board may order and require any company or person or Municipal Corporation to do forthwith, or within, or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act or the said Act, any act, matter or thing which such company or person or Municipal Corporation is or may be required to do under this Act or the said Act, or the Special Act, or any such regulation, order, direction or agreement, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act or the said

Mandatory order.

Injunction order.

Act

Questions of  
law and fact.

Act, or the Special Act, or any such regulation, order, direction or agreement, and shall have full jurisdiction to hear and determine all matters whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or the said Act, or otherwise for carrying this Act or the said Act or the Special Act, or any such regulation, order, direction or agreement into effect, have all such powers, rights and privileges as are vested in the High Court of Justice.

All powers of  
a High Court.

Decision upon  
questions  
of fact or  
whether party  
is interested  
conclusive.

(2) The decision of the Board upon any question of fact, and as to whether any company, municipality or person is, or is not, a party interested within the meaning of this section, shall be binding and conclusive upon all companies and persons, and Municipal Corporations, and in all courts.

Exclusive  
jurisdiction.

(3) The Board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by the special Act or by the said Act, and save as herein otherwise provided no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court.

Board may  
act upon its  
own motion.

18.—(1) The Board may, of its own motion, or shall, upon the request of the Lieutenant-Governor in Council, inquire into, hear and determine any matter or thing which, under this Act or the said Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have and may exercise the same powers as, upon any application or complaint, are vested in it by this Act or the said Act.

Power to act  
from time to  
time.

(2) Any power, or authority vested in the Board under this Act or the said Act may, though not so expressed in this Act or the said Act, be exercised from time to time, or at any time, as the occasion may require.

Board may  
make regula-  
tions respect-  
ing—

19.—(1) Without thereby limiting the powers and authority of the Board under this Act or the said Act, the Board may make orders and regulations:

Passing from  
car to car.

(a) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of employees while passing from one car to another, and for the coupling of cars;

Coupling of  
cars.

(b) requiring proper shelter to be provided for all employees when on duty;

Shelter for  
employees.

(c) with respect to the use on any steam engine, of nettings, screens, grates and other devices, and the use on any steam engine or car, of any appliances and precautions, and, generally, in connection with the railway

Devices to  
avoid fires.

respecting

respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway;

(d) with respect to the rolling stock, apparatus, cattle-guards, fenders, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public; For protection generally.

(e) with respect to any matter, act or thing which by this Act or the said Act or the Special Act is sanctioned, required to be done, or prohibited. Other matters.

(2) Any such orders or regulations may be made to apply to any particular district, or any railway or section, or portion thereof, and the Board may exempt any railway or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient. Application of orders.

(3) The Board may provide penalties, when not already provided in this Act or the said Act, to which every company or person or Municipal Corporation who offends against any regulation made under this section shall be liable, which shall not exceed one hundred dollars for each offence. The imposition of any such penalty shall not lessen or affect any other liability which any company or person or Municipal Corporation may have incurred. Penalties.

(4) The Board may review, rescind, change, alter or vary any rule, regulation, order or decision made by it, whether previously published or not. Power to review, etc.

20. In case default shall be made in the doing of any act, matter or thing, which the Board may direct to be done by the company or person or Municipal Corporation who is required to do the same, the Board may authorize such person as they may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the company or person or Municipal Corporation in default as money paid for and at the request of such company or person, and the certificate of the Board of the amount so expended shall be conclusive evidence thereof. Default in obeying order, Board may direct work to be done by others and expense to be paid by defaulter.

21. All orders or regulations under section 19 hereof may be made to apply to any railways whether operated by steam, electricity or other motive power and to street railways; provided always that no such order or regulation shall increase, or extend, lessen or impair any obligations or duty resting upon, or any privilege or franchise enjoyed by the company under the Special Act or under any agreement. Application of regulations to railway companies.

Enforcing  
orders of  
Board.

22. The Board shall also have power to enforce its orders and directions in like case and in the manner and by the means provided in section 63 of this Act.

Method of  
giving notices.

23.—(1) Any notice required to be given to the company, or to any company, municipality, corporation, co-partnership, firm or individual may be, and shall be deemed to be sufficiently given or served by delivering the same, or a copy thereof;

To railway  
companies.

(a) in the case of the company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;

To municipa-  
lities, etc.

(b) in the case of any municipality, to the mayor, warden, reeve, treasurer, or clerk;

To other  
companies.

(c) in the case of any other company, or body corporate, to the president, vice-president, manager or secretary, or to some adult person in the employ of the company at the head office of such company;

To firms.

(d) in the case of any firm or co-partnership, to any member of such firm or co-partnership, or left at the last place of abode of any such member with any adult member of his household, or at the office or place of business of the firm with a clerk employed therein:

To indi-  
viduals.

(e) and, in the case of any individual, to him, or left at his last place of abode with any adult member of his household, or at his office or place of business with a clerk in his employ;

Proviso.

Provided that such notice is sufficient in substance, is given in sufficient time, and, in the case of the Board, is signed by the Secretary or Chairman; in the case of the inspecting engineer or other officer or person appointed by the Board, and required or authorized to give such notice, is signed by such inspecting engineer, officer or other person as the case may be; and in the case of any company or corporation is signed by its president or secretary, or by its duly authorized agent or solicitor: and in the case of any person, is signed by such person, or his duly authorized agent or solicitor.

Service by  
publication in  
certain cases.

(2) When in any of the cases mentioned in this section, it shall be made to appear to the satisfaction of the Board in any matter within the jurisdiction of the Board under this Act or the said Act that service of such notice cannot be made in the manner provided in this section, or that the person to be served cannot be served, or that the company or person to be served is seeking to evade service and therefore cannot be served, the Board may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the *Ontario Gazette*, and also, if required, in any other newspaper or newspapers, and service



service by such publication shall be deemed to be as sufficient as if the same had been served in the manner provided in subsection 1 of this section.

(3) Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section. Service of orders, reports or other documents.

24. The company shall, as soon as possible after the receipt by it, or service upon it, of any regulation, order, direction, decision, notice, report or other document of the Board, or of the inspecting engineer, give cognizance thereof to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. Duty of company on receipt of notice or order.

25. Sheriffs, Deputy Sheriffs, Constables and other peace officers shall aid, assist and obey the Board in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the Secretary be paid by the county or counties interested, like fees as for similar services at the sittings of the High Court for the trial of causes. Sheriffs, etc., to obey orders of Board.

#### PRACTICE AND PROCEDURE.

26. Every document purporting to be signed by the Chairman and Secretary, or by either of them, or by the inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence in all courts, and shall be sufficient notice to the company and all parties interested, (if served therewith in the manner herein provided for service of notice), that such document was duly signed and issued by the Board, or inspecting engineer as the case may be; and if such document purports to be a copy of any regulation, order, direction, decision or report, made or given by the Board, or inspecting engineer, it shall be *prima facie* evidence in all courts of such regulation, order, direction, decision or report, and when served on the company, or any person, in the manner in section 23 provided for service of notice, shall be sufficient notice to the company or such person, of such regulation, order, direction, decision or report from the time of such service. Evidence of documents. Service of copies.

27.—(1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or any other document deposited with the Board, or of any portion thereof, shall, without proof of signature of the Secretary, be in all courts *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same

purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time such original was so deposited, that the same was deposited at the time so stated.

Certified copies  
of documents  
of Board.

(2) A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall, in all courts and for all purposes, be *prima facie* evidence of such regulation order or document, without proof of signature of the Secretary.

Publication of  
regulations  
and orders.

28. Publication by the Board, or by leave of the Board, for three weeks in the *Ontario Gazette* of any rule, regulation, order or decision of the Board, shall be sufficient notice thereof to the company, to all persons, and to the public generally; and when such rule, regulation, order or decision, is so published, the same, while in force, shall have the like effect as if enacted herein, and all courts, shall take judicial notice thereof.

Judicial  
notice.

Notice of  
application.

29. Except in any case where it is otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient, unless in any case the Board directs longer notice. The Board may in any case, allow notice for any period less than ten days which shall be sufficient notice as if given for ten days or longer.

Board may  
vary length of  
time.

Procedure in  
urgent cases  
when no  
notice given.

30. When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of, or insufficiency in, such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice; but any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right.

Rehearing on  
application  
made within  
ten days after  
notice served.

Regulations  
and orders  
of Railway  
Committee  
continue in  
force until  
repealed.

31. All regulations and orders made by the Railway Committee of the Executive Council of Ontario in force at the time of the passing of this Act, shall continue in force until repealed, rescinded, changed or varied under

the provisions of this Act or the said Act and the Board shall have the like powers to repeal, rescind, change or vary the same, as in the case of regulations or of orders which the Board may make under this Act or the said Act.

32. Notwithstanding the repeal by this Act or by the said Act of any Act relating thereto, all orders of the Railway Committee of the Executive Council of Ontario in force at the time of the passing hereof, may be made orders of the High Court of Justice, and may be enforced in all respects, as nearly as may be, in the same manner, as provided by this Act and the said Act in the case of similar orders by the Board; and all penalties, forfeitures and liabilities attaching, under this Act or the said Act to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of, or disobedience to, any regulation or order of the Railway Committee of the Executive Council occurring after the passing of this Act, in all respects as nearly as may be, as if the same were a regulation or order of the Board.

Existing orders of Railway Committee may be made orders of court.

#### RAILWAY COMMITTEE TO HAVE POWERS OF BOARD UNTIL BOARD APPOINTED. .

33. The Railway Committee of the Executive Council of Ontario shall have the powers and jurisdiction of the Board and it shall be the duty of the said Railway Committee to exercise the same until such time as the Board is constituted under this Act.

Railway Committee to have powers of Board, till Board constituted.

#### ORDERS OF BOARD MAY BE MADE ORDERS OF COURT.

34.—(1) Any decision or order made by the Board under this Act or the said Act may be made an order of the High Court of Justice, and shall be enforced in like manner as any order of such court.

Decisions or orders of Board may be made rules of court.

(2) To make such decision or order an order of such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chairman and sealed with the official seal of the Board:—

Practice.

"To move to make the within an order of the High Court of Justice.

"Dated this                      day of                      A.D. 19

"A. B.,

(Seal.)

"Chairman of the Ontario Railway and Municipal Board."

And the Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall on receipt thereof, enter the same as of record, and the same shall thereupon become and be an order of such court.

When order rescinded or changed.

(3) Where an order or decision of the Board under this Act or the said Act or of the Railway Committee of the Executive Council of Ontario has been made an order of the High Court of Justice any order or decision of the Board rescinding or changing the same shall be deemed to cancel the said order, or decree of such court, and may, in like manner, be made an order of court.

Board may select method of enforcing order.

(4) It shall be optional with the Board to adopt the method provided by this section for enforcing its orders or decisions, or to enforce them by its own action.

Contingent orders.

35. The Board may provide in any order that the same, or any specified portion or terms, thereof, shall come into force, at a future fixed time, or upon the happening of any specified contingency, event or condition precedent, or upon the performance to the satisfaction of the Board, or person named by it, of any terms which the Board may impose upon any party interested, and it may provide that the whole, or any portion of such order, shall have force for a limited time, or until the happening of any specified event. The Board may, instead of making an order final in the first instance, make an *interim* order, and reserve further order and direction to be made, either at an adjourned hearing of the matter, or upon further application.

Subject to terms.

Limited as to time.

Interim orders.

May grant partial or other relief than that applied for.

36. Upon any application made to the Board under this Act or the said Act, the Board may make an order granting the whole, or part only, of such application, or may grant such further, or other relief, in addition to, or substitution for, that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief.

Interim *ex parte* orders.

37. Whenever the special circumstances of any case seem to so require, the Board may make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, notice and hearing to authorize, require or forbid. No such interim order shall, however, be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined.

Proviso.

Extension of time specified in order.

38. When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case seem to so require, upon notice and hearing, or in its discretion upon *ex parte* application, extend the time so specified.

May make rules governing its procedure and practice.

39. The Board may make general rules governing, so far as shall not be inconsistent with the express provisions of this Act or the said Act, its practice and procedure

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ure under this Act and the said Act and generally for carrying this Act and the said Act into effect. Such rules may be published in the *Ontario Gazette*, and shall thereupon be judicially noticed, and shall have effect as if they were enacted in this Act. The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it.

When to be judicially noticed.

Amendments.

40. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order.

Presumption of jurisdiction to make order

41.—(1) In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding, involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Judgments of other courts on questions of fact not binding upon board.

(2) The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Jurisdiction Board not affected by collateral suits

(3) The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive on all courts.

Finding of Board on questions of fact conclusive.

42.—(1) The Board may, of its own motion or upon the application of any party, and upon such security being given as it directs, state a case, in writing, for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Board is a question of law. A like reference may also be made at the request of the Lieutenant-Governor in Council.

May state case for opinion of Court of Appeal for Ontario.

(2) The Court of Appeal shall hear and determine the question or questions of law arising thereon, and remit the matter to the Board with the opinion of the court thereon.

Action thereon.

#### APPEALS.

43.—(1) Subject to the provisions of this section, every decision or order of the Board shall be final.

Order of Board final.

(2) An appeal shall lie from the Board to the Court of Appeal for Ontario upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is given by the said court upon application and hearing the parties and the Board; the costs of such application shall be in the discretion of the judge.

Appeal to Court of Appeal on questions of jurisdiction.

Security for costs.

(3) Upon such leave being obtained the party so appealing shall pay into court the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar of the Court of Appeal shall set the appeal down for hearing on the first day of the next session; and the party appealing shall within ten days after the deposit, give to the parties affected by the appeal, or their respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such court as speedily as practicable.

Notice of appeal.

Opinion of court.

(4) On the hearing of any such appeal the Court of Appeal may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard by counsel.

(5) The Board shall be entitled to be heard, by counsel or otherwise, upon the argument of any such appeal.

Rules of court as to costs, etc.

(6) The Court of Appeal shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section, and until such rules are made the rules and practice applicable to appeals from the High Court of Justice to the Court of Appeal shall be applicable to an appeal under this Act.

Appeals to Privy Council in certain cases.

(7) When the matter in controversy before the Board exceeds the sum or value of \$4,000 as well as where the matter in question relates to the duration of a privilege to operate a railway along a highway, or to the construction of an agreement between a railway company and a municipal corporation, or to any demand affecting the rights of the public or to any like demand of a general or public nature affecting future rights, an appeal shall lie to His Majesty in His Privy Council, and except as aforesaid no appeal shall lie to His Majesty in His Privy Council.

Members of Board not liable for costs.

(8) Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Lieutenant-Governor in Council may refer to Board for report.

44. The Lieutenant-Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done, under this Act or the said Act, or the Special Act, and the Board shall without unnecessary delay comply therewith.

45.—(1) The costs of and incidental to any proceeding <sup>Costs.</sup> before the Board shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed. The Board may order by whom and to whom the same are to be paid, and by whom the same are to be taxed and allowed.

(2) The Board may prescribe a scale under which such <sup>Scale of costs.</sup> costs shall be taxed.

46. When the Board, in the exercise of any power <sup>Expenses of</sup> vested in it by this Act or the said Act or the Special Act, <sup>works ordered</sup> in and by any order directs any structure, appliances, <sup>by Board.</sup> equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained; and the Board may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or the supervision (if any), or the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid. <sup>Board may order by whom to be constructed and paid.</sup>

47.—(1) Whenever the Board shall have reasonable <sup>Proceedings</sup> ground for belief that the company, or any person or corporation is violating or has violated any of the provisions <sup>instituted by</sup> of this Act or the said Act, in respect of which violation a <sup>Attorney-General.</sup> penalty may be imposed under this Act or the said Act, the Board may request the Attorney-General of Ontario to institute and prosecute proceedings on behalf of His Majesty the King against such company or person for the recovery of the penalty provided under this Act or the said Act, for such violation.

(2) All the provisions of the said Act as to penalties and the imposition and recovery thereof shall apply to penalties imposed under the authority of this Act. <sup>Application of 6 Edw. VII., c. 30 as to penalties.</sup>

(3) No prosecution shall hereafter be had or penalty <sup>Prosecution for penalty over \$100</sup> enforced against the company or any municipal corporation for any penalty under this Act or the said Act or the Special Act, without the leave of the Board being first obtained.

(4) Where any penalty has been imposed upon the company under this Act or the said Act such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. <sup>Penalties a first charge on railway.</sup>

Board may  
order  
inquiries.

48. The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before such Board, or any matter or thing over which the Board has jurisdiction under this Act or the said Act or the Special Act, and may order and direct by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

Powers  
respecting  
inquiries.

49.—(1) The Board, inspecting engineer, or person appointed under this Act or the said Act to make any inquiry or report may:—

Entry.

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

(b) inspect any works, structure, rolling stock or property of the company;

Attendance of  
witnesses and  
replies.

(c) require the attendance of all such persons as it or he thinks fit to call before it or him, and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production of  
documents,  
etc.

(d) require the production of all books, papers, plans, specifications, drawings and documents, relating to the matter before it or him;

Oaths.

(e) administer oaths, affirmations or declarations;

Summoning  
witnesses and  
enforcing  
attendance.

(2) And shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases.

Witness fees.

50.—(1) Every person summoned to attend before the Board or before any inspecting engineer, or person appointed under this Act or the said Act to make inquiry and report, shall, in the discretion of the Board, receive the like fees and allowances for so doing as if summoned to attend before the High Court of Justice.

Proof of  
documents.

(2) In any proceeding before the Board and in any action or proceeding under this Act or the said Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company, and of the contents thereof, without any further proof than the mere production of such document.



## ADDITIONAL POWERS OF THE BOARD.

51.—(1) The appeal provided for by section 76 of *The Assessment Act* shall be to the Board instead of to the Board of County Judges as therein provided. Assessment appeals.

(2) The Board shall have power upon such appeal to decide not only as to the amount at which the property in question shall be assessed, but also all questions as to whether any persons or things are liable to assessment or exempt from assessment under the provisions of *The Assessment Act*. Questions which may be decided on appeal.

(3) An appeal shall lie from the decision of the Board under this section to the Court of Appeal upon all questions of law, but such appeal shall not lie unless leave to appeal is given by the said court upon application of any party and upon hearing the parties and the Board. Appeal from Board.

(4) The practice and procedure on any such appeal shall be the same *mutatis mutandis* subject to any rule of court or regulation of the Board as upon an appeal from a County Court to the High Court. Procedure on appeals.

52.—(1) Instead of the appeal provided for by subsection 1 of section 48 (a) of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* being to a judge of the High Court in Chambers in Toronto, it shall be to the Board. Appeals in unorganized districts.

(2) One member may act as and for the Board in the hearing and determining of the appeal mentioned in this section. One member may hear appeal.

53. The Board shall have all the powers conferred by *The Consolidated Municipal Act, 1903*, and amending Acts, upon the Lieutenant-Governor in Council regarding,— Municipal powers.

(a) The addition to or taking from any municipality any territory;

(b) The annexation of any territory to any city or town;

(c) The alteration in any manner of the boundaries or limits of any municipality;

(d) The approval or confirmation of by-laws relating to finance, debentures, sinking funds or the creation of debts, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

(e) The approval or confirmation of by-laws relating to public highways, roads, streets, or bridges, to street or electric railways or to gas or waterworks or to any other industry or concern commonly known as a public utility, in cases where the approval or confirmation of the Lieutenant-Governor in Council is required by *The Consolidated Municipal Act, 1903*, or any other Statute of this Province.

Telegraph and  
telephone  
wires, &c.

54.—(1) The Board may also require any telegraph, telephone, electric light, power or heat company or any person operating any telegraph, telephone, electric light, power or heat system to adopt such means and appliances, and to take and use such precautions, as the Board may deem necessary or expedient for the safety of life and property.

Jurisdiction  
of Board.

(2) The Board shall, in respect of the matters provided for by the last preceding subsection, have the like jurisdiction, powers and authorities as are vested in it with respect to railways and railway companies under "*The Ontario Railway Act, 1906*," and under this Act, and the powers conferred by this section may be exercised as to a part of a highway, and as to some only of the lines of any such company or person, or as to a part or parts thereof.

#### ENQUIRIES INTO FACTS FOR GOVERNMENT, ETC.

Board to  
enquire and  
report on cer-  
tain matters at  
request of  
Government or  
Legislature.

55. The Board shall in all cases when required so to do by the Lieutenant-Governor in Council, the Legislature or by any Committee thereof, make, or cause to be made under its supervision, an enquiry into any facts which the Lieutenant-Governor in Council, Legislature or any such Committee may desire to ascertain before passing upon the propriety of any proposed change in the general railway law, or upon any proposed private or special Bill or Act relating in any way to a municipal corporation or to a railway or street railway company or to any corporation or person operating or proposing to operate what is commonly called a public utility, and upon the conclusion of such enquiry the Board shall report to the Legislature or to such Committee its opinion upon such proposed change in the law, or upon such Bill or Act.

#### ANNUAL REPORT OF BOARD.

Annual report.

56. The Board shall make an annual report on or before the 31st day of January in each year to the Lieutenant-Governor in Council which shall contain—

1. A record of its meetings and an abstract of its proceedings during the preceding calendar year.

2. The result of any examination or investigation conducted by it.

3. Such statements, facts and explanations as will disclose the actual workings of the system of railway transportation in its bearing upon the business and prosperity of the Province, and such suggestions as to the general railway policy of the Province, of the amendment of its laws, or the condition, affairs or conduct of any railway or street railway, as may seem to it advisable.

4. Such tables and abstracts of all the reports of all the railway and street railway companies as it may deem expedient.

5. A statement in detail of the travelling expenses and disbursements of the Board, its Secretary and officers.

57. The Board shall superintend the system of bookkeeping and keeping accounts of the assets, liabilities, revenue and expenditure of all public utilities that are operated under the control of a municipal corporation or of a commission appointed by a municipal corporation, and may require from any such municipal corporation or commission such returns and statements as to the Board may seem proper and may extract from such books, returns and statements such information as in the opinion of the Board may be useful for publication, and may embody such portions of such returns and statements in the annual report of the Board as to it may seem proper.

May require statements, etc., from public utilities operated by municipalities.

#### ARBITRATION BY THE BOARD IN CASES OF LABOUR DISPUTES.

58.—(1) A grievance or dispute between a railway or street railway company and its employees may be submitted to the Board for its determination and settlement. The submission shall be in writing, and may contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide by the determination of the Board, and to continue in business or at work, without a lockout or strike during the investigation.

May arbitrate labor difficulties.

(2) Upon such submission the Board shall investigate and determine the matters in controversy, and shall render its decision within ten days after the completion of the investigation.

Duty of Board upon submission.

(3) The proceedings shall, as nearly as may be, be the same as in the case of any other enquiry which the Board is authorized to make, but the Board may regulate the proceedings, and the manner of conducting them, as to the Board may seem meet.

Procedure in such cases.

#### MEDIATION IN CASE OF STRIKE OR LOCKOUT.

59.—(1) Whenever a strike or lockout of the employees of any railway or street railway company or public utility occurs, or is seriously threatened, the Board shall proceed as soon as practicable to the locality thereof, and endeavour by mediation to effect an amicable settlement of the controversy.

To endeavour to mediate in case of strikes.

(2) Wherever there shall exist in any railway or street railway or public utility a strike or lock-out or any strike or lock-out by reason of which in the opinion of the Board

May enquire into cause of strikes and suggest terms of settlement.

the

the general public shall appear likely to suffer injury or inconvenience with respect to food, fuel or light or power or the means of communication or transportation, or in any other respect, and the parties to such strike or lock-out will not consent to submit the matter or matters in controversy to the Board, the Board, after first having made due effort to effect a settlement thereof by conciliatory means and such effort having failed, may proceed on its own motion to make an investigation of all facts bearing upon such strike or lock-out, and shall make public its findings, with such recommendations to the parties involved, as, in its judgment, will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lock-out and in the prosecution of such enquiry the Board shall have all the powers conferred upon it by any other section or sections of this Act.

#### FEEs TO BE CHARGED AND COLLECTED BY THE BOARD.

Fees for copies,  
certificates,  
etc.

**60.** The Board may charge and collect such fees, as to it may seem proper, for all copies of documents, maps or plans, and all certificates as to the same. All fees charged and collected by the Board shall be paid quarterly, accompanied with a detailed statement thereof, to the Treasurer of the Province.

Fees on orders  
of Board  
to be paid in  
stamps.

**61.** There shall be paid in law stamps upon every order made by the Board such sum as may be directed by the Board, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such law stamps shall be provided in the first instance by the applicant for such order, and such sum shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the Board, which order may be made an order of the High Court of Justice.

Expenses of  
Board to be  
paid by  
Province.

**62.** The annual expense of the Board, including the salaries of the members thereof, and of its officers and employees, and the incidental expenses of the Board shall be paid out of the Consolidated Revenue Fund of the Province of Ontario from such sums as may be granted from time to time by the Legislature.

#### ENFORCEMENT OF MUNICIPAL AGREEMENTS.

To try all cases  
of breach of  
agreement.

**63.—(1)** Where it is alleged by a municipal corporation having jurisdiction over, or owning, or maintaining a highway, along which a railway is operated, in whole or in part, under an agreement between such municipality and the company operating the railway, that the company has violated or committed a breach of such agreement, or where it is alleged by such company, that such municipality has violated



violated or committed a breach of such agreement, the Board shall hear all matters relating to such alleged violation or breach of agreement, and shall make such order as to the same as to it may seem, having regard to all the circumstances of the case, reasonable and expedient, and in such order may in its discretion direct the company or the municipality to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof.

(2) The Board may take such steps and employ such persons as may be necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of such company together with its books and offices and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of such company and supervise and direct the management of such company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the Board shall continue to direct such management.

May enter company's property.

(3) Upon the Board so taking possession of such railway and property, it shall be the duty of every officer and employee of the company to obey the orders of the Board or of such person or persons as it may place in authority in the management of any or all departments of such railway.

Company's servants to obey Board.

(4) The Board shall, upon so taking possession of such railway and property, have power to demand, receive and pay out all moneys due to or owing by such company, and may give checks, acquittances and receipts for moneys to the same extent and in as full and ample a manner as the proper officers of such company could do if no such order had been made.

May pay out and receive money.

(5) Checks, acquittances or receipts so given by the Board shall be a defence to any action that may afterwards be brought by such company against the person or corporation paying over the money for which such checks, acquittances or receipts were given.

May give receipts etc.

(6) The Board and the members thereof, and its officers and employees shall not be liable to any action for acts done by them or any of them under the authority of this section.

Board not liable for damages.

(7) The costs and expenses of and incidental to proceedings to be taken by the Board under this section shall be in the discretion of the Board, and the Board shall have power to direct by whom and to what extent the same shall be paid.

Costs.

Certificate as to  
costs, etc., to  
be final.

(8) The certificate of the Board as to the amount of such costs and expenses shall be final.

To construe  
agreements.

64. Except when otherwise expressly provided, notwithstanding anything in this Act, or the said Act, or in any agreement contained, in any proceeding under this Act, the Board shall have power to construe and determine the proper meaning of, but not to alter or vary any agreement between a municipal corporation and a company, or between two or more companies, and the decision of the Board on any question of fact shall be final.

Pending suits.

65. This Act shall not affect any action or other proceeding pending at the time of the coming into force of this Act.

Commence-  
of Act.

66. This Act shall come into force on the first day of June, 1906.

## CHAPTER 32.

An Act to confirm an Agreement entered into between His Majesty the King and The Canadian Improvement Company and others.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A certain agreement, bearing date the 30th day of April, 1906, and made between His Majesty, the King, therein represented by the Honourable Arthur James Matheson, Provincial Treasurer, of the first part; Morton Trust Company, of the second part; The Canadian Improvement Company, of the third part; and the Lake Superior Corporation, of the fourth part, and designated as "The Renewal Guaranty Agreement," is hereby confirmed and declared to be valid and binding on the parties thereto, and the said parties thereto are empowered to do all acts necessary to give effect to the same or to carry out the true intent and meaning of the provisions thereof.

Agreement for partial renewal of guarantee confirmed.

2. The Government may from time to time further renew its guarantee of the sum of One Million Dollars (\$1,000,000) the renewal of which is provided for by said agreement, or any part thereof, or may guarantee the principal and interest of a new loan not exceeding \$1,000,000 in substitution of or to take the place of the existing loan under the said agreement, and may on payment of any portion of said sum so from time to time guaranteed release any part of the securities mentioned in said agreement, any such guarantee or release to be subject to the approval of the Lieutenant-Governor in Council, and any such guarantee or release shall be signed by the Provincial Treasurer or such officer as may be designated by the Lieutenant-Governor in Council in that behalf.

Future renewals authorized.

3. The provisions of section 8 of 4 Edward VII., chapter 19, shall apply to the guarantee entered into under the said agreement of the 30th April, 1906, and to any agreement under section 2 hereof.

Application of 4 Edw. VII., c. 19, s. 8 to future renewals.

## CHAPTER 33.

## An Act respecting Trustees of certain Burying Grounds.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Election of trustees — when no other provision made.

1. Where lands have been heretofore set apart or sold for burial purposes and no provision has been made in the deed or other instrument setting apart such lands or in the conveyance thereof, or otherwise, for the appointment of trustees of such lands, the owners of plots in such burying ground may elect trustees in the manner hereinafter provided.

Owners of plots may call meeting.

2. Three or more of such owners may call a meeting for the purpose of electing such trustees, by notice to be published once a week for two weeks in a newspaper published in the local municipality in which the lands are situate, if any newspaper is so published. If no newspaper is published in the local municipality, then notice shall be published in the newspaper nearest the local municipality. The date of such meeting shall be not less than two weeks from the date of the last publication of such notice. The notice calling such meeting may be in the form or to the effect following:

Take notice that a meeting will be held at the town hall (or some other place in the local municipality in which the lands are situate) in the Village of \_\_\_\_\_ in the County of \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock of the \_\_\_\_\_ noon, for the purpose of electing trustees for the burial ground known as (here insert local name or designation of burial ground). You are a plot owner in the said burying ground and are requested to attend the said meeting.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 190 \_\_\_\_\_

A. B., C. D., E. F.,

Plot Owners.



3. At the time and place named in the notice the plot owners present shall elect from among themselves some person to act as chairman, and shall also elect some person to act as secretary for the said meeting. Chairman and secretary of meeting.

4. After the election of the chairman and secretary, as aforesaid, the members present shall elect from among the plot owners of the said burial ground three persons to be trustees of such burial ground. Three trustees to be elected.

5. After the election of such trustees the chairman and secretary shall certify in writing as to such election in the form or to the effect following: Certificate of election.

We hereby certify that at a meeting of the plot owners in the burial ground, in the \_\_\_\_\_ of \_\_\_\_\_, held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, the following persons were elected trustees of the said burial ground:

A. B.,	of
C. D.,	of
E. F.,	of

(insert places of residence and occupation of each trustee).

Witness: (Signed) \_\_\_\_\_ Chairman of the meeting  
(Signed) \_\_\_\_\_ Secretary of the meeting.

6. The certificate of the election of the trustees shall be in triplicate, and one of such certificates, with an affidavit of execution thereof in the form prescribed by *The Registry Act* shall be registered in the Registry Office of the Registry division in which such burying ground is situate, and one of such certificates shall be filed with the clerk of the local municipality in which the burying ground is situate, and one of such certificates shall be delivered to the trustees. Registration and filing of certificate.

7. Upon the registration of such certificate the said burying ground shall be vested in the trustees so appointed, subject to the provisions of the deed or other instrument setting apart such burying ground or conveying the same or any plot therein for burial purposes, and subject to the rights of any persons who may have theretofore purchased plots in such burying ground, and subject to the provisions of any general law of the Province applicable thereto, and the trustees elected under this Act shall have all the powers and perform all the duties with respect to such burying ground provided for by *The Act respecting Conveyances to Trustees of Burying Grounds*, and all the provisions of the said Act shall apply to trustees elected under this Act in the same manner and to the same extent as to trustees appointed under conveyances of lands for burying ground purposes therein. Effect of registration, Burying ground to vest in trustees.

Rev. Stat. c. 214.

Vacancies  
among  
trustees.

8. In case of the death, resignation or removal from the Province of any such trustee his successor shall be elected and his election shall be certified and registered in the manner hereinbefore provided in the case of a first election of trustees under this Act.

## CHAPTER 34.

## The Municipal Amendment Act, 1906.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 24 of *The Consolidated Municipal Act, 1903*, <sup>3 Edw. VII., c. 19, s. 24, repealed.</sup> as enacted by section 1 of *The Municipal Amendment Act, 1905*, is hereby repealed and the following substituted therefor:—

24.—(1) In case the council of any city or town by resolution declare that it is expedient that any portion of an adjacent township should be annexed to the city or town, and in case the majority of the ratepayers in any such portion of such township petition the Lieutenant-Governor in Council to add such portion to such city or town, the Lieutenant-Governor may, by proclamation to take effect upon some day to be named therein, annex to the city or town such portion of the adjacent township upon such terms and conditions as to taxation, assessment, improvements or otherwise as may have been agreed upon, or shall be determined by the Lieutenant-Governor in Council.

(2) The terms and conditions contained in such proclamation of the Lieutenant-Governor in Council and the proclamation shall have the same force and effect and be as binding as if such terms and conditions were embodied in an Act of the Legislature.

(3) The proclamation may, before it takes effect, be amended in any respect by a further proclamation and may at any time when the council of such city or town and any other parties interested agree that the said proclamation does not correctly set forth the terms and conditions as to taxation

taxation, assessment, improvements or otherwise agreed upon, be amended to carry out such agreements.

3 Ed. VII., c.  
19, amended.

2. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following sections:—

Resolutions  
and petitions  
for separation  
of junior  
county from  
union.

39a.—(1) In case the municipal council of at least one-half in number of the several municipalities constituting the junior county of a union of counties shall severally pass and transmit to the Lieutenant-Governor in Council before the first day of November in any year a resolution affirming the expediency of such junior county being separated from the union, together with a petition or petitions signed by the reeve and clerk of each of the municipalities in which such resolution has been passed, praying for such separation, the Lieutenant-Governor in Council may appoint some person resident in such junior county to act as returning officer and the question of such separation shall be submitted to the municipal electors of such junior county as hereinafter provided on the first Monday in the month of January next following, and such electors shall vote upon the question, “Are you in favor of the separation of the County of \_\_\_\_\_ from the United Counties of \_\_\_\_\_?” in the manner hereinafter specified

Who may vote  
on question.

(2) The persons qualified to vote upon such question in each municipality in such junior county shall be the persons who according to the last revised voters’ list of the municipality are entitled to vote at municipal elections, but no person shall vote more than once upon the said question.

Proceedings  
to be directed  
by Order-in-  
Council.

(3) The Lieutenant-Governor in Council may prescribe the procedure to be adopted in taking such vote, the forms to be used, and the manner in which the returns shall be made by the said returning officer.

Oaths of  
voters.

(4) The oaths to be taken by voters upon the said question shall with such variations as may be prescribed by the Lieutenant-Governor in Council be in the form prescribed for use at municipal elections.

Application of  
general  
provisions.

(5) All the provisions of this Act respecting corrupt practices at municipal elections and voting on by-laws and all regulations and penalties provided by this Act with respect to the taking of the votes of electors on a by-law shall *mutatis mutandis* and except as otherwise directed by the Lieutenant-Governor in Council and except as otherwise provided in this section, apply to the taking of the vote under this section.



(6) The ballot papers to be used in the taking of the said vote shall be in the form following: Form of ballot.

.....19.....	County of Township (town or vil- lage) of Polling Subdivision No.	Are you in favour of the separation of the County of the United Counties of	Yes. <b>X</b>
.....			No.

(7) Within one week after the taking of the vote upon the said question the said returning officer shall make his return to the Lieutenant-Governor in Council, showing the total number of votes cast in the affirmative and negative respectively upon the said question, together with such other particulars as the Lieutenant-Governor in Council may direct. Return of returning officer.

(8) The expenses incurred in taking such vote shall be paid in the first instance by the treasurer of the union to the persons entitled thereto upon the certificate of the returning officer, but the amount so paid shall be repayable to the union and shall be raised by special rate upon the property liable to taxation within the junior county. Expenses of vote, how borne.

39b.—(1) In case it appears from the returns so made that a majority of the total number of persons voting on the said question voted in the affirmative the Lieutenant-Governor in Council may by proclamation setting forth the facts constitute the members of the county council representing therein the several municipalities comprising such junior county a provisional council and may appoint a time and place for the first meeting thereof. The recital in such proclamation that it appears that a majority of the total number of persons voting on the said question voted in the affirmative shall be conclusive as to the result of the said vote. Proclamation constituting provisional council.

(2) At the time and place so appointed the members of such provisional council shall meet and elect from among themselves one of their number to preside at the meeting. Election of chairman at first meeting.

(3) The provisional council shall at the same meeting or at any adjournment thereof by resolution designate the place and name of the county town, and shall cause a copy of such resolution certified by the chairman of the meeting to be forthwith transmitted to the Lieutenant-Governor in Council who may thereupon by proclamation designate the place so named or some other place in the said junior county as the county town. Designating county town.

Who to  
preside.

39c. The member appointed by said provisional council as in the preceding section provided shall preside in the provisional council until a provisional warden has been elected by the council from among the members thereof.

Appointment  
of Provisional  
warden and  
other officers.

39d. Every provisional council shall from time to time by by-law appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deem necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council.

Term of office.  
Provisional  
Council may  
acquire land  
and erect  
thereon gaol  
and Court  
House.

39e. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes.

Respective  
powers of  
provisional  
council and  
council of  
union.

39f. The powers of a provisional council shall not interfere with the powers of the council of the union and any money raised by the provisional council in the junior county shall be independent of the money raised by the council of the union.

Agreement  
upon dissolution  
as to joint  
liabilities and  
joint assets.

39g. After a provisional council has procured the necessary property and has erected thereon the proper buildings for a court house and gaol, such council and the council of the senior or remaining counties may enter into an agreement for the settlement of their joint liabilities and the dispositions of their joint assets (other than real estate) and for determining the balance or amount due by the one county to the other and the times of payment thereof, and in determining the balance the senior or remaining counties shall assume the debts of the union and the junior county shall be charged with such part thereof as may be just: and the value of the real estate which upon the separation becomes the property of the senior or junior county respectively and any improvement effected by the union of which either county gets the exclusive benefit, shall also be taken into account.

When provi-  
sional council-  
ors shall not  
vote.

39h. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor.

In case of dis-  
agreement  
disputes to be  
settled by  
arbitration.

39i. In case the councils within one month after the time mentioned in section 39g are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall

shall be settled between them by arbitration under this Act and the county found liable shall pay the other county the balance or amount agreed or settled to be due by such county and such amount shall bear interest at five per cent. Payment of amount found due. per annum from the day on which the union was dissolved, and shall be provided for like other debts, by the council of the county liable therefor after separation.

39j. After the sum, if any, to be paid by the junior county to the senior or remaining counties has been paid or ascertained by agreement or arbitration a judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council as the case may be, may appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the county court, a registrar, and at least twelve justices of the peace and may provide in the commission or commissions that the appointments are to take effect on the day the counties become separate. Appointment of Sheriff and other officials.

39k. After such appointments are made the Lieutenant-Governor in Council may, by proclamation separate the junior county from the senior or remaining counties and shall declare such separation to take effect on a day to be named in the said proclamation; and on that day the courts and officers of the union (including justices of the peace) shall cease to have any jurisdiction in the junior county and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties, and the other assets belonging to the corporation of the union shall belong to and be the property of the senior or junior county or union of counties respectively as agreed upon at the separation, and if not otherwise disposed of by agreement or arbitration they shall belong to and be the property of the senior county or union of counties. Final separation by proclamation. Property, how divided.

39l.—(1) When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets, and liabilities of the provisional corporation shall be the head and members of the council and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. Officers and property, etc., continued.

(2) The treasurer of the senior county shall upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the

new

new county required to be kept under section 133 of *The Assessment Act*.

Execution and service of process in hands of sheriff at time of separation.

39m.—(1) The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ or *mesne* or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same: and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further.

Execution of writs.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time when the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

Pending actions.

(3) All actions and proceedings in any court which are pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed and all writs of execution and other process, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made) be taken, issued and had in the county in which such actions and proceedings were originally commenced, as fully and effectually as if the junior county had not been separated from the senior county: and (subject to the provisions of the next sub-section) no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings if the new county had not been formed, shall for the purpose of all pending suits, actions and proceedings have the same power and authority in respect of the same as if the dissolution had not taken place.

Continuation of writs in hands of sheriff at time of dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day when the dissolution takes effect shall bind lands or goods situate within the limits of the new county or have any effect upon such lands or goods, after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ before the expiration of the said year, and before the expiry of the writ in the hands of the sheriff of the union as aforesaid, has placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county

indorsed



indorsed with a notice that priority is claimed by virtue of this Act, in which case so long as such last mentioned writ is in force he shall retain any priority which he then had by virtue of the writ in the hands of the sheriff of the union on the day of the dissolution thereof; and he shall, if so required by the sheriff of the new county, deliver to him a certificate under the hand of the sheriff of the union, showing the date of the delivery to him of such writ; which certificate the said sheriff of the union shall give upon request and on payment of his proper fees therefor.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation to take effect from a day to be named, fix and determine the number, limits and extent of the Division Courts for the new county, subject to be thereafter altered under the provisions of *The Division Courts Act*, and amending Acts, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits, or proceedings of any other Division Court therein specified and thereupon such suits or proceedings may be continued in such last mentioned court as if they had been commenced therein.

39n.—(1) If, upon a dissolution of a union of counties there is pending an action, or other civil proceedings in which the county town of the union has been named as the place of trial, the court in which the action or proceeding is pending, or any judge who has authority to make such orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers in the action or proceeding to be transmitted to the proper officers of the new county.

Change of place of trial in action, etc., after separation.

(2) In case no such change is directed all such actions and proceedings shall be carried on and tried in the senior county.

If no order made, where proceedings to be carried on.

39o. All courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county.

Place for holding courts in junior county.

3. Subsection 1 of section 80 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "and no member of a school board for which rates are levied" in the eighth and ninth lines and by adding after subsection 1 of the said section the following:—

3 Edw. VII. c. 19. s. 80, subs. 1, amended.

(a) No member of a public or separate school board or board of education of any city, town or village shall be qualified to be a member of the council of such city, town or village.

Members of school boards disqualified from sitting in council

3 Edw. VII.,  
c. 19, amended.

4. *The Consolidated Municipal Act, 1903*, is amended by inserting the following as section 95*b* thereof:—

Two years term  
for councils  
may be adopt-  
ed.

95*b*. The council of any local municipality by by-law submitted to the electors in accordance with the provisions of section 338 and following sections of this Act, and assented to by a majority of the electors voting thereon, may extend the term of office of all members of the council to be thereafter elected to the term of two years, such persons to hold office until their successors are elected or appointed or sworn into office and the new council is organized, and may with like assent repeal any such by-law.

3 Edw. VII. c.  
19, s. 106,  
amended.

5. The paragraph numbered (*e*) in section 106 of *The Consolidated Municipal Act, 1903*, as enacted by section 3 of *The Municipal Amendment Act, 1905*, is amended by striking out the words "in cities having a population of over 100,000 inhabitants."

3 Edw. VII.,  
c. 19, s. 112  
amended.  
Oath of  
freeholder at  
elections.

6. Section 112 of *The Consolidated Municipal Act, 1903*, is amended by adding after the third paragraph of the form of oath, the following paragraph: "That you are not a citizen or subject of any foreign country."

3 Edw. VII.,  
c. 19, s. 113  
amended.  
Oath of tenant  
voting at  
elections.

7. Section 113 of the said Act is amended by adding after the fifth paragraph of the form of oath, the following paragraph: "That you are not a citizen or subject of any foreign country."

3 Edw. VII.,  
c. 19, s. 114  
amended.  
Oath of income  
voter at  
elections.

8. Section 114 of the said Act is amended by adding after the fourth paragraph of the form of oath, the following paragraph: "That you are not a citizen or subject of any foreign country."

3 Edw. VII.,  
c. 19, s. 115  
amended.  
Oath of  
farmers' son  
at elections.

9. Section 115 of the said Act is amended by inserting after the fifth paragraph of the form of oath, the following paragraph: "That you are not a citizen or subject of any foreign country."

3 Edw. VII.,  
c. 19, s. 311  
subs. 1 and 2  
amended.  
Declaration of  
qualification.

10.—(1) Subsections 1 and 2 of section 311 of the said Act are amended by adding after the word "declare" in the first line of the form of declaration, the words "that I am not a citizen or a subject of any foreign country."

3 Edw. VII.,  
c. 19, s. 311  
amended.

Declaration of  
qualification.

(2) Subsection 1 of the said section 311 is further amended by adding at the end of the form of declaration the following words: "and that such estate is assessed in my name (*or in the name of my wife*) on the last revised assessment roll of this municipality (*naming it*) to the value of \$... (*specifying the value*)."

3 Edw. VII.,  
c. 19, ss. 356,  
357, 358,  
amended.  
Oaths of  
voters on  
by-laws.

11. Sections 356, 357 and 358 of the said Act are amended by inserting after the first paragraph of the form of oath  
the

the following paragraph: "That you are not a citizen or <sup>3 Edw. VII.,</sup> subject of any foreign country." <sup>c. 19, amended.</sup>

12. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

173a. No person shall, in any city having 100,000 of a population or over, on the day of the polling use or deliver to any other person any card, ticket, leaflet, book, circular or other device soliciting votes for or against any candidate or candidates, or for or against any question or by-law, or having upon it the name of any such candidate, question or by-law; and any person violating the provisions of this section shall be liable to a penalty not exceeding \$20, or in default of payment, imprisonment for a term not exceeding ten days, on conviction before any Justice of the Peace. <sup>Use or delivery of election cards, etc.</sup>

13. Section 266 of *The Consolidated Municipal Act*, <sup>3 Edw. VII.,</sup> 1903, is repealed and the following substituted therefor:— <sup>c. 19, s. 266, repealed.</sup>

266. The council of any county may hold its sittings, keep its public offices and transact all the business of the council and of its officers and servants within any city, town or village lying in such county, and the council of any township may hold its sittings, keep its public offices and transact all the business of the council and of its officers and servants within any city, town or village lying in such township or in a township adjacent thereto, but within the same county, and such county or township may purchase and hold such real property in such city, town or village as may be convenient for such purpose. <sup>Location of county and township offices.</sup>

14. Subsection 5 of section 276b of *The Consolidated Municipal Act, 1903*, as amended by section 13 of *The Municipal Amendment Act, 1905*, is hereby repealed and the following substituted therefor: <sup>3 Edw. VII., c. 19, s. 276b, subs. 5, repealed.</sup>

5. No person shall be qualified to be elected to the office of controller who does not possess the property and other qualifications as required for mayor by section 76 of this Act. <sup>Qualification of controller in the City of Toronto.</sup>

15. Subsection 1 of section 296 of *The Consolidated Municipal Act, 1903*, is amended by adding to the said subsection the following proviso: <sup>3 Edw. VII., c. 19, s. 296, subs. 1, amended.</sup>

"Provided that in towns and in cities with a population under 20,000 the council may by by-law provide that all the work of assessment and all the duties appertaining thereto, shall be performed by the assessment commissioner, and in such case it shall not be necessary to appoint assessors or valuers as in this section mentioned." <sup>Duties of assessment commissioners in certain cities and towns.</sup>

3 Edw. VII.,  
c. 19, s. 402,  
subs. 2,  
amended.

16. Subsection 2 of section 402 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "prior to the 27th day of June, 1903," inserted by section 12 of *The Municipal Amendment Act, 1904*.

3 Edw. VII.,  
c. 19, s. 541,  
par. 4,  
amended.

17.—(1) The paragraph numbered 4 in section 541 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "brick" in the first line thereof the words "stone, cement and concrete."

3 Edw. VII.,  
c. 19, s. 542,  
par. 1, cl. b,  
amended.

(2) Clause (b) in the paragraph numbered 1 of section 542 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "or" in the first line thereof the word "wooden," and by inserting after the word "fences" in the second line thereof the words "or removal of any wooden building or wooden fences from one place to another;" by striking out the word "thereto" in the second line thereof, and by adding at the end of the said clause the words "and for regulating the erection of signs or other advertising devices on buildings or vacant lots."

3 Edw. VII.,  
c. 19, s. 542,  
subs. 1, cl. c,  
par. 1,  
amended.

(3) Clause (c) in the paragraph numbered 1 of section 542 of *The Municipal Amendment Act, 1903*, is amended by adding after the word "buildings" in the first line thereof the words "or additions," and by adding after the word "brick" in the second line thereof the words "cement, concrete."

3 Edw. VII., c.  
19, amended.

18. *The Consolidated Municipal Act, 1903*, is amended by adding the following thereto as section 544a:—

By-laws for  
purchase of  
fire engines  
and appliances.

544a. The council of every town or village may, by a vote of two-thirds of the members of such council, pass by-laws:

(1) For contracting for the purchase of fire engines or appliances for the purpose of fire protection for public use, not exceeding \$5,000, within the municipality, and such contract may provide for the payment of the purchase money in instalments, extending over a period not exceeding 15 years.

(2) For the issue of debentures, payable in not more than ten years from the date of the issue thereof and for applying the proceeds of such debentures towards paying for such fire engines or appliances, and it shall not be necessary to obtain the assent of the electors to any such by-law.

(3) Any debt contracted under this section shall be payable in equal annual instalments of principal and interest as provided for in section 386 of this Act.

3 Edw. VII.,  
c. 19, s. 533,  
p. 3, amended.

19. The paragraph numbered 3 in section 553 of *The Consolidated Municipal Act, 1903*, is amended by striking out the



the word "and" before the word "villages" in the headline thereof, and by adding after the word "villages" in such headline the words "and Police Villages," and by adding after the word "municipality" in the last line thereof the words "or Police Village."

20. The paragraph numbered 4 in section 559 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

3 Edw. VII.,  
c. 19, s. 559,  
par. 4, repealed.

*"Electric Light, Telegraph and Telephone Poles and Wires."*

"By the councils of cities, towns, villages and townships:

"4. For permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles and wires upon the highways or elsewhere within the limits of the municipality."

Electric light,  
etc., poles and  
wires.

21. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

3 Edw. VII.,  
c. 19, s. 569,  
subs. 5  
repealed.

(5) In the case of a by-law under paragraph number 4 of section 566, or under subsection 1 of this section, in addition to the publication required in the case of a by-law authorizing the issue of debentures which requires the assent of the electors of a municipality before the final passing thereof, there shall be published, along with a copy of such by-law, and for the same period, the estimates of the intended expenditure.

Provisions applicable to by-laws relating to street railways, gas, electric light or water-works.

Provided always that where any city, town or village has constructed, purchased or acquired gas, electric light or water works under the authority of this Act, or under the authority of *The Municipal Waterworks Act*, or under the authority of any special Act or Acts, or hereafter constructs, purchases or acquires such works under the authority of the said Acts or any future amendments of the same, and has raised the money for the purchase, acquiring or construction of such works, or hereafter so raises the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city, town or village from time to time to pass by-laws, after the assent of the electors entitled to vote thereon has been obtained, and without the publication of any estimates, to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works, or to pay the expense of any extensions or improvements thereof already made or completed, wholly or in part, and for levying on the whole rateable property of the said corporation an annual special rate sufficient to defray the

yearly

yearly interest upon the sums so expended, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years nor less than five years, or sufficient to pay any debt so incurred within such period in equal annual instalments, including principal and interest.

Proviso.

Provided further that in such cases it shall not be necessary to obtain the assent of the electors to such by-law or by-laws if the same be approved of by the Lieutenant-Governor in Council, it being first shown to the satisfaction of the Lieutenant-Governor in Council that the said extensions are or were necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws three-fourths of all the members of the council vote in favour of the same.

3 Edw. VII.,  
c. 19, s. 574  
paragraph 5  
amended.

Removal of  
trees on streets.

22. The paragraph numbered 5 in section 574 of the said Act is amended by striking out the figures "20" in the fifteenth line thereof and substituting therefor the figures "30" and by adding at the end thereof the following words, "the notice required in this paragraph may be given by leaving the same with any grown up person resident upon the land opposite to which such tree, shrub or sapling is situated, or when such lands are vacant or unoccupied at the time of giving such notice by posting up the said notice in a conspicuous place thereon."

3 Edw. VII.,  
c. 19, s. 577,  
subs. 1  
amended

23. Subsection 1 of section 577 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "thereof" in the seventeenth line the following words "and in every such case the lands so disposed of shall revert to and become a part of the municipality to which they originally belonged."

3 Edw. VII.,  
c. 19, amended.

24. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

Destruction of  
tussock moths.

574a. By-laws may be passed by the councils of cities to require persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them, and to provide that in case any owner or occupant neglects to destroy all such moths and cocoons within ten days after notice to do so has been given by the council by advertisement in some daily newspaper published in the municipality, the officer or officers appointed by the council for that purpose may enter upon the premises of persons so in default and may destroy the said moths and cocoons, and for the collection of the expense thereof from the owner or occupant so in default,

and

and in case of non-payment for charging such expense as a special assessment against such premises, to be recovered in like manner as other municipal rates.

25. The paragraph numbered 8 in section 583 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "amusement" in the fifth line thereof the words "and merry-go-rounds, switch back railways, carousels and other like contrivances."<sup>3 Edw. VII., c. 319, s. 583, paragraph 8 amended.</sup>

26. The paragraph numbered 14 in section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding after the words "peace officer" in the last line of the first proviso thereto the words "and provided that in any prosecution for a violation of any such by-law against any hawk, pedlar or petty chapman or other person mentioned in this subsection on the ground that any such person has not obtained a license in pursuance of any by-law passed thereunder and the defence is set up that such person does not require any such license by reason of the fact that he is peddling or selling goods, wares or other merchandise to a retail dealer, or is hawking or peddling goods, wares or merchandise the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, and is the manufacturer or producer thereof or the bona fide servant or employee of such manufacturer or producer thereof having written authority in that behalf, then and in such cases it shall not be necessary for the complainant to show affirmatively that the person so prosecuted does not come within the defence so set up, but the onus of proving that he does come within such defence shall rest upon the person so prosecuted and in the event of his failing to establish at his trial that he does so come within such defence he may be convicted of a violation of this subsection."<sup>3 Edw. VII., c. 19, s. 583, paragraph 14, amended. Hawkers' and pedlars' license.</sup>

27. Section 583 of the said Act is amended by adding thereto the following subsection:<sup>3 Edw. VII., c. 19, s. 583 amended.</sup>

"14a. For preventing the sale of fruit, candies or peanuts from any basket, or from any wagon, cart or other vehicle upon any street or any portion thereof or within any public park or other public place. Provided that any by-law passed under this subsection shall not apply to any farmer, market gardener or other person selling goods at or delivering the same to any place of business or residence upon any such street or portion thereof."<sup>By-laws for prohibiting peddling of fruit, &c., in public streets, &c. Proviso</sup>

28. The paragraph numbered 16 in section 583 of *The Consolidated Municipal Act, 1903*, as amended by section 24 of *The Municipal Amendment Act, 1904*, is amended<sup>3 Edw. VII., c. 19, s. 583, paragraph 16 amended.</sup>

by

Hawkers' and  
pedlars'  
licenses.

by inserting after the figures "14" in the second line thereof the words "and for fixing a lower fee in their discretion in the case of applicants for such licenses who have resided continuously within the county, city or town for which the license is sought for at least one year prior to the date of application therefor than in the case of applicants who have not so continuously resided within the county, city or town for such length of time at the date of such application."

3 Edw. VII.,  
c. 19, s. 583,  
p. 30, amended.

29. The paragraph numbered 30 in section 583 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "who occupy premises in the city, town, village, or township for temporary periods and" in the second and third lines thereof, and by striking out the words "personal property" in the fifth line thereof and substituting therefor the words "business assessment."

3 Edw. VII.,  
c. 19, s. 583,  
p. 31, amended.

30. The paragraph numbered 31 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "occupy premises in the municipality and" in the first and second lines thereof, and by striking out the words "personal property" in the sixth line thereof and substituting therefor the words "business assessment."

3 Edw. VII.,  
c. 19, s. 591a,  
amended.

31. Section 591a of *The Consolidated Municipal Act, 1903*, as amended by section 26 of *The Municipal Amendment Act, 1904*, is amended by striking out all the words commencing with the word "notwithstanding" down to the end thereof, being the words added to the said section 591a by said section 26 of *The Municipal Amendment Act, 1904*.

3 Edw. VII.,  
c. 19, s. 591b,  
amended.

32. The proviso to section 591b of *The Consolidated Municipal Act, 1903*, as enacted by section 29 of *The Municipal Amendment Act, 1905*, is amended by striking out the figures "1905" in the second and last lines thereof and substituting therefor the figures "1906," and by striking out the figures "1904" in the third line thereof and substituting therefor the figures "1905."

3 Edw. VII.  
c. 19, s. 596  
amended.

33. Section 596 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "necessarily incurred in and about the business" in the fourth line of the said section and substituting in lieu thereof the words "incurred pertaining to civic interests."

3 Edw. VII., c.  
19, s. 656,  
amended.

34. Section 656 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "opened" in the fourth line the word "adopted."

4 Edw. VII., c.  
22, s. 28,  
repealed.

35. Section 28 of *The Municipal Amendment Act, 1904*, is hereby repealed and the following substituted:—

"Section



"Section 654 of *The Consolidated Municipal Act, 1903*, <sup>3 Edw. VII. c. 19, s. 654, amended.</sup> is amended by inserting after the word 'thereof' in the fifth line the words 'or of making a deviation of a portion of such county boundary line road, or of adopting a road or highway already constructed as a part or the whole of such deviation, where in the opinion of any of the said councils it is impracticable to construct a road along the said county boundary line.' "

36. Subsection 1 of section 669 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "at least two newspapers published in the township, city, town or village, if there are two newspapers," and substituting therefor the words "a newspaper published in the township, city, town or village, if there be a newspaper." <sup>3 Edw. VII. c. 19, s. 669, subs. 1, amended.</sup>

37. Section 673 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection 2a:— <sup>3 Edw. VII. c. 19, s. 673, amended.</sup>

2a In the case of common sewers already constructed or hereafter constructed out of the general funds of any township, city, town, or village, the municipal council of such township, city, town, or village shall, upon a resolution of the council supported by two-thirds of the members present at any council meeting being passed, and without any special notice being published or served upon the owners, have the right at any time to construct branch drains from such sewers to the line of the street as a local improvement, without any petition or other authority than such resolution therefor, or may assess and levy the cost thereof by a special rate upon the lands benefited thereby, instead of by a frontage rate. The amount to be assessed and levied upon each adjoining property, or upon the lands benefited thereby, shall be the cost of construction of the branch drain from the centre of the street to the line along the adjoining property, whether the sewer be laid on the centre or side of the street. <sup>Cost of construction of branch drains of common sewers.</sup>

38. Section 677 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "municipality" in the second line thereof the words "or in any statute;" and by striking out the words between the word "sidewalk" in the third line and the word "upon" in the sixth line and inserting in lieu thereof the words "or a pavement;" and by inserting after the word "sidewalk" in the tenth line thereof the words "or pavement," and by striking out of the tenth and eleventh lines of said section the words "the members present at any regular meeting" and inserting in lieu thereof the words "all the members of the council." <sup>5 Edw. VII. c. 19, s. 677, amended.</sup>

3 Edw. VII.  
c. 19 amended. **39.** *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

Works may be  
constructed  
under s. 677  
without  
petition.

**677a.** To remove doubts, it is hereby declared that the intent and meaning of section 677 of this Act is and always has been that works of the nature therein described may be constructed upon the conditions therein set forth without a petition therefor or the notices provided for by section 669 of this Act being given; but nothing herein is to be taken as meaning that the notices provided for by section 671 of this Act are to be dispensed with.

3 Edw. VII.  
c. 19, s. 678,  
subs. 1,  
amended.

**40.**—(1) Subsection 1 of section 678 of *The Consolidated Municipal Act, 1903*, as amended by section 37 of *The Municipal Amendment Act, 1905*, is amended by adding after the word “city” in the second and ninth lines thereof the word “township.”

3 Edw. VII.  
c. 19, s. 678,  
subs. 2 (a),  
amended.

(2) Subsection 2a of section 678 of the said Act is amended by adding after the word “city” in the sixth and eleventh lines thereof the word “township.”

3 Edw. VII.  
c. 19, s. 714,  
subs. 1 and 3,  
amended.

**41.**—(1) Subsection 1 of section 714 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words “by a majority of the ratepayers resident therein” at the end of the said subsection and substituting therefor the words “by a majority of the freeholders resident therein, and such number of tenants resident therein as will give a majority of the whole number of the freeholders and tenants.”

(2) Subsection 3 of the said section is amended by striking out the word “ratepayers” in the fourth line and inserting in lieu thereof the words “freeholders and tenants.”

3 Ed. VII.  
c. 19, s. 714 (a),  
amended.

(3) Section 714a of *The Consolidated Municipal Act, 1903*, is amended by striking out the word “ratepayers” in the first and second lines thereof and substituting therefor the words “resident freeholders and tenants.”

3 Edw. VII.,  
c. 19, s. 737,  
subs. 2, amend-  
ed.

**42.** Subsection 2 of section 737 of *The Consolidated Municipal Act, 1903*, as enacted by section 41 of *The Municipal Amendment Act, 1905*, is amended by striking out the words “another to act as” in the seventh line thereof and substituting therefor the words “appoint a.”

3 Edw. VII.,  
c. 19, s. 744,  
amended.

**43.** Section 744 of *The Consolidated Municipal Act, 1903*, is amended by adding the following thereto as subsections 6, 7, 8 and 9:—

Purchase of fire  
engines and  
appliances for  
police village.

(6) The trustees of any police village may, with the consent of the council of the township in which such police village is located previously expressed by resolution of such township council, contract for the purchase of fire engines or appliances, for the purpose of fire protection for public

uses within the village, at a cost not exceeding \$3,000, and for the payment thereof in instalments extending for a period not exceeding 15 years, and debentures may be issued therefor as hereinafter provided.

(7) Upon such purchase by the trustees of any police village, with the consent of the township council as hereinafter provided for, the council of the township in which the police village is situated may pass a by-law for raising the amounts required to pay for such fire engines or other appliances for the purpose of fire protection, but not exceeding in the whole the sum of \$3,000, and for the purpose of issuing debentures for a period not exceeding ten years, and for levying a special rate on the taxable property in such police village for the payment of any such debentures and the interest thereon, and such by-law shall not require to be submitted to or to receive the assent of the ratepayers.

Township  
by-law to  
raise necessary  
funds.

(8) Any debt contracted under this section shall be payable in equal annual instalments of principal and interest as provided for in section 386 of this Act.

How debt to be  
payable.

(9) The trustees of any police village may contract with the council of the township or townships in which the same is situated, for the use of any fire engine or any appliances purchased for fire protection purposes owned by such village, upon such terms as to payment for the use thereof and otherwise, as shall be agreed upon.

Contracts for  
use of fire  
engine, etc., by  
township.

## CHAPTER 35.

## An Act respecting County Councils.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

County  
councils,—how  
composed.

1. In and for the year 1907 and thereafter the council of every county or union of counties in this Province shall be constituted as follows:

1. Every town not separated from the county for municipal purposes and every township and village shall be represented in such council by the reeve of such town, township or village municipality, and, in addition to the reeve, by a deputy reeve or deputy reeves, as follows:

- (a) If the municipality had the names of more than 1,000 and not more than 2,000 persons on the last revised voters' list of the municipality as qualified to vote at municipal elections, then by a first deputy reeve,
- (b) If the municipality had more than 2,000 and not more than 3,000 such names upon such list, then by a first deputy reeve and a second deputy reeve, and
- (c) If the municipality had more than 3,000 such names upon such list then by a first deputy reeve, a second deputy reeve, and a third deputy reeve.

2. The number of councillors to be elected in any township or village in accordance with the provisions of *The Consolidated Municipal Act, 1903*, shall be decreased by the number of deputy reeves to be elected therein, but this provision shall not apply to towns.

3. Such reeves and deputy reeves shall be elected by general vote in the manner provided by *The Consolidated Municipal Act, 1903*, for the election of mayors of towns, and

reeves



reeves and councillors in villages and townships, and they shall be members of the council of the municipality in which they are elected.

2. No member shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the clerk of the town, township or village under his hand and the seal of the municipal corporation that such member was duly elected and has made and subscribed the declarations of office and qualification as reeve or deputy reeve as the case may be. Certificate of election.

3. The certificate mentioned in section 2 may be in the form following:— Form of certificate.

I, A.B., of Clerk of the Corporation of the town (township or village, as the case may be) of in the County of do hereby, under my hand and the seal of the said Corporation, certify that C. D. of Esquire (or as the case may be), was duly elected reeve (or first deputy reeve or second deputy reeve, or third deputy reeve, as the case may be) of the said town (township or village as the case may be) and has made and subscribed the declaration of office and qualification as such reeve (or first deputy reeve, or second deputy reeve, or third deputy reeve as the case may be.)

4.—(1) At the first meeting of every county council in each year at which a majority of the full council is present the members shall organize themselves as a council and elect one of their number to be warden. Warden,—election of.

(2) At every such election the clerk of the county shall preside and if there is no clerk the members present shall select one of themselves to preside and the person so elected may vote as a member. Clerk to preside or chairman.

(3) Subject to the provisions of section 274a of *The Consolidated Municipal Act, 1903*, the warden shall be elected in such manner as may be provided for by resolution of the council passed prior to such election, provided that the person elected shall receive a majority of the votes cast. Procedure at election of warden.

(4) In case of an equality of votes on the election of a warden, then of those present, the reeve, or in his absence the deputy reeve of the municipality which for the preceding year had the greatest equalized assessment shall have a second and casting vote, and in the event of no one municipality having the greatest equalized assessment, in consequence of two or more municipalities having the same equalized assessment, then the reeve, or, in his absence, the deputy reeve, of the municipality having the greatest number of municipal voters entered on its last revised voters' list shall have such second or casting vote. Casting vote at election of warden.

(5) In counting the names of voters referred to in the preceding subsection the name of the same person shall not Counting names of voters.

not be counted more than once, whether the name of such person appears upon the voters' list only once or more than once.

3 Edw. VII,  
c. 19, s. 76,  
subs. 1,  
amended.

5. Subsection 1 of section 76 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 4th line the words "deputy reeve".

3 Edw. VII,  
ss. 112, 113,  
114, 115,  
amended.

6. Sections 112, 113, 114 and 115 of *The Consolidated Municipal Act, 1903*, are amended by adding in the forms of oath set forth in the said sections after the word "reeve" wherever it occurs therein the words "or deputy reeve."

3 Edw. VII,  
c. 19, s. 118,  
subs. 1,  
amended.

7. Subsection 1 of section 118 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "towns" in the 4th line the words "and of reeve or reeve and deputy reeve in towns".

3 Edw. VII,  
c. 19, s. 119,  
amended.

8. Section 119 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "townships" in the 5th line the words "and deputy reeves in townships".

3 Edw. VII,  
c. 19, s. 120,  
amended.

9. Section 120 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 7th line the words "or mayor and reeve or mayor, reeve and deputy reeve".

3 Edw. VII,  
c. 19, s. 122,  
amended.

10. Section 122 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 2nd line the words "or reeve and deputy reeve or deputy reeves".

3 Edw. VII,  
c. 19, s. 123,  
amended.

11. Section 123 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 5th line the words "or reeve and deputy reeve or deputy reeves".

3 Edw. VII,  
c. 19, s. 124,  
amended.

12. Section 124 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 3rd line the words "and deputy reeves".

3 Edw. VII,  
c. 19, s. 125,  
subs. 1,  
amended.

13. Subsection 1 of section 125 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 3rd line the words "deputy reeves".

3 Edw. VII,  
c. 19, s. 129,  
subs. 3a,  
amended.

14. Subsection 3a of section 129 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the said subsection as amended by section 4 of *The Municipal Amendment Act, 1904*, the words "deputy reeve".

3 Edw. VII,  
c. 19, s. 140,  
subs. 1,  
amended.

15. Subsection 1 of section 140 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "mayor" in the 3rd line the words "and reeve or  
reeve

reeve and deputy reeve (if any)" and by inserting after the word "mayor" in the 7th line the words "and another kind or set shall be prepared for each ward or polling sub-division containing the names of the candidates for reeve or reeve and deputy reeve if a reeve or reeve and deputy reeve are to be elected". Ballot papers for reeve and deputy reeve.

16. Subsection 2 of the said section 140 is amended by inserting after the word "mayor" in the 5th line the words "or mayor and reeve or mayor, reeve and deputy reeve if a reeve or reeve and deputy reeve are to be elected". 3 Edw. VII, c. 19, s. 140, subs. 2, amended.

17. Subsection 3 of the said section 140 is amended by inserting after the word "reeve" in the 3rd line the words "or reeve and deputy reeve or first deputy reeve, second deputy reeve and third deputy reeve as the case may be". 3 Edw. VII, c. 19, s. 140, subs. 3, amended.

18. Subsection 2 of section 141 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 8th and 10th lines respectively the words "deputy reeve, first deputy reeve, second deputy reeve or third deputy reeve" and by striking out all the words in the said subsection after the words "as the case may be" in the 10th line of the said subsection. 3 Edw. VII, c. 19, s. 141, subs. 2, amended.

19. Subsection 1 of section 158 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 4th line the words "or reeve and each deputy reeve". 3 Edw. VII, c. 19, s. 158, subs. 1, amended. Where electors may vote in towns.

20. Subsection 3 of the said section 158 is amended by inserting at the end of the said subsection the following words "and once for reeve or for reeve and deputy reeve if a reeve or a reeve and deputy reeve are to be elected." 3 Edw. VII, c. 158, subs. 3, amended. Voting in towns for reeve and deputy reeve.

21. Section 167 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the words "mayor and reeve" in the 3rd line the words "or Mayor, Reeve and Deputy Reeve or Deputy Reeves" and by striking out the words "county councillor" in the 3rd and 7th lines and by inserting after the word "reeve" in the 7th line the words "deputy reeve". 3 Edw. VII, c. 19, s. 167, amended.

22. Subsection 3 of section 189 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" at the end of the 6th line the words "deputy reeve". 3 Edw. VII, c. 19, s. 189, subs. 3, amended.

23. Section 203 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "of county councillors" in the 9th line and by inserting after the word "reeve" in the 9th line the words "deputy reeve". 3 Edw. VII, c. 19, s. 203, amended.

3 Edw. VII,  
c. 19, s. 206,  
amended.

24. Section 206 of *The Consolidated Municipal Act, 1903*, is amended by striking out all the words in the first line, the words "the county clerk" in the 2nd line, the words "the county clerk or" in the 8th line and the words "county or" in the 9th line of the said section.

3 Edw. VII,  
c. 19, s. 216,  
subs. 1,  
amended.

25. Subsection 1 of section 216 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "mayor" in the first line the words "or reeve or deputy reeve" and by inserting after the word "village" in the second line the words "or the office of deputy reeve or one of the deputy reeves of a township".

3 Edw. VII,  
c. 19, s. 220,  
subs. 1,  
amended.

26. Subsection 1 of section 219 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the third line the words "deputy reeve" and by striking out the words "county councillor" in the 3rd line.

3 Edw. VII,  
c. 19, s. 220,  
subs. 1,  
amended.

27. Subsection 1 of section 220 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the 7th line the words "deputy reeve" and by striking out the words "county councillor" in the 8th line.

3 Edw. VII,  
c. 19, s. 311,  
subs. 2,  
amended.

28. Subsection 2 of section 311 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the first line the words "or deputy reeve".

3 Edw. VII,  
c. 19, s. 312,  
amended.

29. Section 312 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "mayor" in the 1st line the words "every reeve and deputy reeve".

3 Edw. VII,  
c. 19, s. 319,  
amended.

30. Section 319 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "county councillor" in the second line and inserting in lieu thereof the words "deputy reeve" and by striking out all the words after the word "not" in the fourth line down to and including the word "aforesaid" in the sixth line.

8 Edw. VII,  
c. 19, s. 388,  
amended.

31. Section 388 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "a county council elected under this Act may during any one term for which it is elected" and inserting in lieu thereof the words "a county council may in any one year".

3 Edw. VII,  
c. 19, s. 473,  
amended.

32. Section 473 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "all members of a county council" in the first and second lines and by inserting after the word "village" at the end of the second line the words "and all deputy reeves".

3 Edw. VII,  
c. 19, s. 475,  
amended.

33. Section 475 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "reeve" in the







## FORM 3.

(Amendment to Directions to Voters.)

In the following forms of ballot paper, given for illustration the candidates are, for Mayor, Jacob Thompson and Robert Walker, for Reeve, George Jones and John Smith, for Deputy Reeve, Thomas Brown and William Davis, for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William Davis for Deputy Reeve, and the fourth ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

***** *****	Election for the Members of the Municipal Council of the of , ward No. day of January, 19 .	FOR MAYOR.
<b>THOMSON</b>  Jacob Thompson, of the Town of Barrie, Merchant.		
<b>WALKER</b>  Robert Walker, of the Town of Barrie, Physician.		
***** *****	Election for the Members of the Municipal Council of the of , ward No. day of January, 19 .	FOR REEVE.
<b>JONES</b>  George Jones, of the Town of Barrie, Barrister.		
<b>SMITH</b>  John Smith, of the Town of Barrie, Banker.		
***** *****	Election for the Members of the Municipals' Council of the of , ward No. day of January, 19 .	FOR DEPUTY REEVE.
<b>BROWN</b>  Thomas Brown, of the Town of Barrie, Grocer.		
<b>DAVIS</b>  William Davis, of the Town of Barrie, Jeweller.		

## ELECTION





## CHAPTER 36.

## The Assessment Amendment Act, 1906.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The paragraph numbered 19 in section 5 of *The Assessment Act* is repealed and the following substituted there-  
4 Edw. VII. c. 23, s. 5, p. 19 repealed.

19. The annual income derived from personal earnings or from any pension, gratuity, or retiring allowance in respect of personal services by any person assessable directly in respect of income under this Act to the amount of \$1,000 where such person is resident in a city or town having a population of 5,000 or over, or to the amount of \$700 where such person is resident in any other municipality, provided that such person is a house-holder in the city, town or other municipality and assessed as such, or being the head of a family occupies with his family any portion of a dwelling house, although not assessed therefor, and the annual income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services of every person not being a house-holder or head of a family as aforesaid, to the amount of \$600, where such person is resident in a city or town having a population of 5,000 or over and to the amount of \$400 where such person is resident in any other municipality, and the income of any person derived from any investment, or from moneys on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities, where such income does not exceed the sum of \$300 and where such person is a house-holder or head of a family within the meaning of this paragraph, and is not in receipt of income from all sources exceeding the said sum of \$300.

4 Ed. VII., c. 23,  
s. 10, subs. 1,  
p. 8 amended.

2. Clause *h* of subsection 1 of section 10 of *The Assessment Act* is amended by striking out the words "trade or commercial" in the 8th line thereof.

4 Ed. VII., c. 23,  
s. 10, subs. 1,  
clause *f*,  
amended.

3. Clause *f* of subsection 1 of section 10 of *The Assessment Act* is amended by adding after the word "business" in the 8th line, the words "or any other business."

4 Ed. VII., c. 23,  
s. 10, subs. 3  
amended.

4. Subsection 3 of section 10 of *The Assessment Act* is amended by striking out the figures "250" in the last line thereof and substituting therefor the figures "100."

4 Edw. VII.,  
c. 23, s. 10,  
subs. 5  
amended.

5. Subsection 5 of section 10 of *The Assessment Act* is amended by striking out all the words therein after the word "railway" in the fifth line thereof.

4 Edw. VII.,  
c. 23, s. 10,  
subs. 7  
amended.

6. Subsection 7 of section 10 of *The Assessment Act* is amended by adding thereto the following words: "Nor shall any Subordinate Lodge of any registered Friendly Society or any officer thereof in respect of any business of such subordinate lodge be liable to any business assessment."

4 Edw. VII.,  
c. 23, s. 10,  
subs. 2  
amended.  
Lines of local  
telephone  
systems.

7. Subsection 2 of section 14 of *The Assessment Act* is amended by adding thereto the following proviso:

Provided that in the case of any local telephone system not operating generally throughout the Province, and not authorized by Statute to carry on business throughout the Province, the lines of such company within any township shall be assessed at their actual value, but not exceeding in the whole the rates per mile in this section prescribed.

4. Edw. VII.,  
c. 23, s. 14,  
subs. 5  
amended.

8. Subsection 5 of section 14 of *The Assessment Act* is amended by adding thereto the following:

Telegraph and  
telephone  
plant of  
railways.

Provided that the telephone and telegraph plant, poles and wires of a steam railway company which are used exclusively in the running of trains or for any other purposes of a steam railway and not for commercial purposes shall, as heretofore, be exempt from municipal assessment or taxation; but each of such wires when used for commercial purposes shall be assessed at \$5 per mile in the manner aforesaid.

4 Edw. VII.,  
c. 23 amended.

9. *The Assessment Act* is amended by adding thereto the following section:—

Special provi-  
sion as to  
Townships of  
York, Scar-  
borough and  
Etobicoke.

22a. The provisions of paragraph (*g*) of subsection 1 of section 22 of this Act shall not apply to the Townships of York, Scarborough, and Etobicoke, in the County of York, but in lieu thereof the assessor or assessors of said townships shall assess in the manner provided for by subsection

5 of section 33 of this Act, the unoccupied lands owned by non-residents, who have not given notice to the clerk of the municipality under subsection 6 of section 33 of this Act.

10. Subsection 1 of section 36 of *The Assessment Act* is amended by inserting after the word "lands" in the first line thereof the words "other than oil lands." 4 Edw. VII., c. 23, s. 36, ss. 1 amended.

11. Subsection 3 of section 36 of *The Assessment Act* is amended by inserting after the words "mineral lands" in the first line thereof the words "other than oil lands" and by inserting after the word "work" in the fifth line thereof the words "other than those on oil lands." 4 Edw. VII., c. 23, s. 36, ss. 3 amended.

12.—(1) Subsection 1 of section 42 of *The Assessment Act* is amended by inserting after the words "electric railway" in the sixth line, the words "and companies or persons transmitting oil or gas by pipe line" and by adding the following as subsection (1a) thereof:— 4 Edw. VII., c. 23, s. 42, ss. 1 amended.

1a. Where property of any such companies extends through two or more municipalities, the portion thereof in each municipality shall be separately assessed therein at its value as an integral part of the whole property. Assessment works of certain companies extending into two or more municipalities.

13. Subsection 2 of section 44 of *The Assessment Act* is amended by striking out the last five lines thereof and substituting in lieu thereof the following: 4 Edw. VII., c. 23, s. 44, subs. 2 amended.

"Notwithstanding anything in this Act contained, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, roundhouses and machine, repair and other shops) shall not be assessed." Assessment of railway property.

The said subsection as hereby amended shall be deemed to have been in force on and from the first day of January, 1906; and notwithstanding the provisions of section 45 of this Act any assessment heretofore made may be corrected so as to conform to the provisions of this section.

14. Subsection 2 of section 68 of *The Assessment Act* is amended by adding after the words "Court of Revision" in the 8th line thereof the words "or in case the Court shall sit to hear appeals after the said date then within five days after the closing of the Court." 4 Edw. VII., c. 23, s. 68, subs. 2, amended.

15. Section 96 of *The Assessment Act* is amended by adding thereto the following words: "But this section shall not apply to the Townships of York, Scarborough, and Etobicoke." 4 Edw. VII., c. 23, s. 96 amended.

4 Edw. VII.,  
c. 23, s. 127,  
subs. 1  
amended.

16.—(1) Subsection 1 of section 127 of *The Assessment Act* is amended by inserting after the word “taxes” in the second, eighth, fourteenth and last lines thereof the words “or rates,” and by striking out the words “in arrear” in the eighth line thereof.

4 Edw. VII.,  
c. 23, s. 127,  
subs. 2  
amended.

(2) Subsection 2 of section 127 of *The Assessment Act* is amended by inserting after the word “taxes” in the fifth line thereof the words “or rates,” and by inserting after the word “tax” in the seventh line thereof the words “or rate.”

4 Edw. VII.,  
c. 23, s. 128,  
amended.

17. Section 128 of *The Assessment Act* is amended by inserting after the word “taxes” in the second, eighth, ninth and tenth lines thereof the words “or rates.”

4 Edw. VII.  
c. 23, s. 165,  
subs. 7,  
repealed.

18. Subsection 7 of section 165 of *The Assessment Act* is repealed and the following substituted therefor:—

Number of lots  
included in  
one tax deed.

7. Such deed if requested may include any number of lots not exceeding four which are to be conveyed to the same person.

4 Edw. VII.  
c. 23, s. 214,  
repealed.

19. Section 214 of *The Assessment Act* is repealed and the following substituted therefor:

Payment by  
treasurer of  
township, town  
or village  
to treasurer of  
county.

214. The treasurer of every township, town or village shall on or before the 31st day of December in each year pay to the treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 211 of this Act, and in case of non-payment of such moneys or any portion thereof on or before the said date the township, town or village so in default shall pay to the county interest thereon at the rate of six per cent. per annum from the said date until payment shall be made.



## CHAPTER 37.

## An Act to amend The Municipal Drainage Act.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 3 of *The Municipal Drainage Act* is amended by striking out the word “described” in the fourth and fifth lines of the said subsection and inserting after the word “area” in the fifth line of the said subsection the words “as described in such petition.” Rev. Stat. c. 226, s. 3, subs. 1, amended.

2. Subsection 1 of section 4 of the Act passed in the third year of His Majesty’s reign, chapter 22, is amended by inserting after the word “shall” at the end of the second line of the said subsection the words “if required so to do by the council by which he was engaged.” 3 Edw. VII. c. 22, s. 4, subs. 1, amended.

3. Section 18 of *The Municipal Drainage Act* is amended by inserting after the word “described” in the fourth line of the said section the words “in such petition.” Rev. Stat. c. 226, s. 18, amended.

4. The paragraph numbered 2 in the form of by-law contained in Schedule “B” in *The Municipal Drainage Act* is amended by striking out the word “thereof” at the end of the sixth line of the said paragraph and substituting therefor the words “of the said debentures.” Rev. Stat. c. 226, sched. 73, amended.

5. The paragraph numbered 8 in section 2 of *The Municipal Drainage Act* is repealed and the following substituted therefor:— Rev. Stat. c. 226, s. 2, par. 8, amended.

“Referee” shall mean “the referee for the purpose of the drainage laws of this Province as hereinafter provided.”

6. Section 88 of *The Municipal Drainage Act* is repealed and the following substituted therefor:— Rev. Stat. c. 226, s. 88, repealed.

Referees,  
appointment  
of.

88.—(1) The Lieutenant-Governor in Council from time to time may appoint two referees for the purpose of the drainage laws; that is to say, *The Ontario Drainage Act*, the provisions of this Act, and other Acts, and parts of Acts on the same subject.

To be officers  
of High Court.

(2) Such referees shall be deemed to be and shall be officers of the High Court.

Qualification.

(3) They shall be barristers of at least ten years' standing at the Bar of Ontario.

Tenure of  
office.

(4) They shall hold office by the same tenure as official referees under *The Judicature Act*.

Not to practise.

(5) They shall not practise as solicitors or barristers in any matter arising under this Act, nor act as legal agents or advisers in any such matter.

Salary.

(6) They shall each be paid a salary of such amount as may be appropriated by the Legislature for the purpose (not exceeding \$3,500 a year each) to be paid monthly, together with their reasonable travelling expenses.

Jurisdiction.

(7) One of the said Referees shall exercise all the rights, powers, privileges and jurisdiction conferred upon him by this Act or any other Act or Acts in the Counties of Stormont, Dundas and Glengarry, Prescott and Russell, Leeds and Grenville, Frontenac, Lennox and Addington, Prince Edward, Hastings, Northumberland and Durham, Victoria, Haliburton, Peterborough, Renfrew, Lanark, Carleton, and the other Referee shall exercise all the rights, powers, privileges and jurisdiction conferred upon him by this Act or any other Act or Acts in all the other counties and districts in the Province of Ontario.

Absence or  
illness.

(8) In case of the absence or illness of either of the said Referees or in case of a vacancy in the office of either, or at the request of either, the remaining Referee may act in his place and may exercise his jurisdiction.

Rev. Stat.  
c. 226, s. 98,  
amended.

7. Section 98 of *The Municipal Drainage Act* is amended by striking out the words "the shorthand writer" at the commencement of the said section and inserting in lieu thereof the words "two or more shorthand writers."

Rev. Stat.,  
c. 226, s. 3a,  
repealed.

8.—(1) Section 3a of *The Municipal Drainage Act* as enacted by section 3 of the Act passed in the third year of His Majesty's reign, Chaptered 22, is repealed.

3 Edw. VII.,  
c. 226, s. 1, 2,  
repealed.

(2) Sections 1 and 2 of the said Act passed in the third year of His Majesty's reign, Chaptered 22, are repealed, and wherever in *The Municipal Drainage Act*, as amended by striking out the words "the shorthand writer" at the referring to the appointment, powers and duties of any engineer or surveyor and drainage viewers the same shall refer to the engineer and surveyor only.

9. Section 75 of *The Municipal Drainage Act* is amended by adding the following subsection:—

Rev. Stat.  
c. 226, s. 75,  
amended.

(2) The provisions of this section shall apply to the better maintenance of a natural stream, creek or watercourse which has been artificially improved by local assessment or otherwise, and to any drainage work constructed under the provisions of *The Ontario Drainage Act* in the same manner to the same extent, and by the same proceedings as are hereby made applicable to the better maintenance of a drainage work wholly artificial.

10. No by-law heretofore or hereafter passed by any municipal council under *The Municipal Drainage Act* shall be deemed invalid or illegal by reason only that the petition for such by-law was not sufficiently signed if such petition was duly signed by a majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) shown by the last revised assessment roll to be the owners of the lands to be benefited in the area described in such petition; provided, however, that nothing in this section contained shall affect any litigation now pending with respect to any such by-law, but the same may be proceeded with and adjudicated upon in the same manner as if this section had not been passed.

Certain by-laws heretofore passed confirmed.

Proviso.

## CHAPTER 38.

## An Act authorizing certain Payments under The Public Libraries Act.

*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Moneys payable for books, etc., purchased by Public Library Board before 12th June, 1903.

1. Where the Board of Management of any public library purchased any books, periodicals or newspapers, in the year 1903 prior to the twelfth day of June in the said year, any moneys which would have become payable to such Board of Management by reason of such purchase under the authority of subsection 1 of section 28 of *The Public Libraries Act*, if the Act passed in the third year of His Majesty's reign, chapter 23, being *An Act to amend The Public Libraries Act*, had not been passed, and which, by reason of the provisions of the last named Act, have not been paid to such Board of Management, may still be paid to such Board.

Statement of details of purchase to be given, etc.

2. Provided, however, that any Board of Management applying for such payment shall, within six months from the date when this Act takes effect, deliver to the Minister of Education a statement in writing giving full details of such purchase of books and of the grounds upon which such application for payment is made, and furnish to the said Minister such evidence as shall satisfy the Minister that such payment may be properly made.

Claims to be made within 6 months.

3. This Act shall not be taken to authorize the payment of any claims which are not made within the said period of six months in the manner set forth in the preceding subsection.



## CHAPTER 39.

## An Act to amend The Municipal Light and Heat Act.

*Assented to 14th May, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The Municipal Light and Heat Act* is amended by adding thereto the following subsection: Rev. Stat., c. 231, s. 9 amended.

(2) In fixing the rents, rates or prices to be paid for the supply or use of gas or electricity or other means of lighting or heating, the corporation shall have the right to use its discretion as to the rents, rates or prices to be charged to the various classes of consumers to be supplied with gas, electricity or other means of lighting or heating, and also as to the rents, rates or prices at which gas, electricity or other means of lighting or heating shall be supplied for the different purposes for which it may be supplied or required. Discretion of corporation as to rates to be charged.

## CHAPTER 40.

## An Act to amend The Municipal Water-works Act.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,  
c. 235, s. 20  
amended.

1. Section 20 of *The Municipal Water-works Act* is amended by adding thereto the following subsection:

Council may  
fix different  
rates for supply  
of water.

(3) In fixing the rents, rates or prices to be paid for the supply or use of water from the waterworks for other than domestic purposes the corporation shall have the right to use its discretion as to the rents, rates or prices to be charged to the various classes of consumers to be supplied with water, and also as to the rents, rates or prices at which water shall be supplied for the different purposes for which it may be supplied or required.

Rev. Stat.,  
c. 235, s. 41,  
subs. 1,  
repealed.

2. Subsection 1 of section 41 of *The Municipal Water-works Act* is repealed and the following substituted therefor:—

Board of water  
commissioners,  
how consti-  
tuted.

41.—(1) The Commissioners shall consist of a Board of three or five members, of whom the head of the council shall *ex-officio* be one, and the remainder shall be elected and hold office as follows:—

(a) The members to be elected shall be elected at the same time and place and in the same manner as the head of the council.

(b) At the first election two members, where the Board consists of three, and four members where the Board consists of five, shall be elected, and the one member of the two to be elected, and the two members of the four to be elected, receiving the highest number of votes, shall continue in office for two years thereafter and until their successors have been elected under this Act and the new Board organized; and the remaining

one

one member or two members, as the case may be, shall continue in office for one year and until their successors have been elected under this Act and the new Board organized.

- (c) At each annual election, after the first one member or two members, as the case may be, shall be so elected for two years to fill the place of the member or members retiring.
  - (d) In case the election is for two members at the first election and the votes for such two members elected are equal, then the member having the largest assessment on the last revised assessment roll shall continue in office for two years, and in case the election is for four members at the first election and any two or more members elected have an equality of votes, then as between such members that member or those members having the largest assessment according to the last revised assessment roll shall continue in office for two years.
  - (e) Where a vacancy from any cause occurs on the Board, the council shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected.
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## CHAPTER 41.

## An Act respecting Local Municipal Telephone Systems.

*Assented to 27th April, 1906.*

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

“Subscribers”  
meaning of.

1. The word “subscribers,” when used in this Act, shall mean and include all persons who shall, from time to time, apply for the connection of their premises with a telephone system installed under this Act, and whose premises are so connected.

Petition for  
system.

2. A petition may be presented to the council of any municipality praying for the establishment of a local telephone system for the convenience of the subscribers.

Particulars to  
be stated in  
petition.

3. The petitioners in their original or in any supplementary petitions shall set forth such particulars as the council may require, including a statement showing the location of the proposed system and the manner in which it is proposed that such system shall be erected and maintained.

By-law for  
establishing  
system.

4. The council may by by-law provide at the expense of the subscribers, and subject to such conditions as may be set forth in such by-law for the establishment and maintenance of such system and the extension thereof from time to time, upon the application of such persons as may desire to become subscribers.

System to be  
vested in cor-  
poration in  
trust for sub-  
scribers.

5. Every telephone system erected and installed under the provisions of this Act, and all works and property required, erected or used in connection therewith, shall be vested in the municipal corporation undertaking the work in trust for the benefit of the subscribers.

Powers of cor-  
poration in-  
stalling system.

6. All works done at any time under this Act shall be deemed to be works done by the municipal corporation, and  
in



in carrying out the same, and in the management, maintenance, control and extension of any telephone system installed under this Act, the municipal corporation undertaking the same shall have and may exercise all or any of the powers conferred upon corporations of counties, cities and towns by sections 571, 572 and 573 of *The Consolidated Municipal Act, 1903*, and the said sections shall apply to any municipal corporation installing a telephone system under this Act.

7. The cost of constructing, erecting, installing and maintaining any telephone system under this Act shall be defrayed by the subscribers thereto in such proportion as they may agree upon among themselves, or, in default of agreement, or to the extent of any default in payment of the amounts agreed upon, such cost shall be defrayed by special rate to be levied upon the subscribers, or such of them as may be in default, and any such rate may be collected by action as an ordinary debt against the persons liable therefor, or may be added to the collector's roll as taxes due from any person in default, and may be collected in the same manner as other taxes.

8. The council of any municipality installing a telephone system under this Act may, with the consent of the council of any adjoining municipality, from time to time, extend such system into such adjoining municipality, and erect the poles and wires of such system along the highways thereof and upon or over private property, and may, from time to time, enter into agreements for the connection of such telephone system with any other telephone system owned or controlled by any individual or any company or a municipal corporation, or may, with the consent of the subscribers, acquire by purchase or otherwise upon such terms as may be agreed upon, any existing telephone system operating in the municipality or any portion of the plant and appliances thereof

Cost of construction and maintenance.

Works in another municipality.

Connection with other systems.

9. Any municipal corporation may agree with any person for the establishment of the exchange or switchboard of a telephone system installed under this Act in any suitable building owned or occupied by such person, and for the operation of such exchange or switchboard by such person and may embody the terms of such agreement in the by-law establishing such telephone system.

Establishment of exchanges

10. The Ontario Railway and Municipal Board may, from time to time, fix the standard requirements of any telephone system to be installed under this Act, and the erection and construction of such system, and the instruments and appliances to be used in connection therewith, shall at all times conform to such requirements.

Fixing Government standard for system.

## CHAPTER 42.

## An Act providing for the Exemption of "Woodlands" from Taxation.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
exempting  
woodlands.

1. The council of any township may by by-law exempt in whole or in part from municipal taxation, including school rates, lands in the township being "woodlands" within the meaning of this Act. Provided that such by-law shall not exempt more than one acre in ten of such "woodlands," and not more than twenty-five acres held under a single ownership.

"Woodlands,"  
what to be  
included in.

2. "Woodlands" within the meaning of this Act shall be lands having not less than 400 trees per acre of all sizes, or 300 trees, measuring over 2 inches in diameter, or 200, measuring over 5 inches in diameter, or 100, measuring over 8 inches in diameter (all such measurements to be taken at  $4\frac{1}{2}$  feet from the ground) of one or more of the following kinds: White or Norway pine, white or Norway spruce, hemlock, tamarac, oak, ash, elm, hickory, basswood, tulip, (white-wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety which the council may name in such by-law; and which said lands have been set apart by the owner for the sole purpose of fostering the growth of the trees thereon and which are not used for grazing live stock.

Application for  
exemption.

3. Woodland owners desiring to secure exemption from taxation under this Act shall make application in writing to the clerk of the township on or before the first day of February of the year in which they desire that the exemption shall take effect.

Examination  
by assessor.

4. Upon such application being made by the owners of said Woodlands, it shall be the duty of the township

assessor

assessor to personally examine such "woodlands" to determine whether they come within the meaning of this Act, and the said assessor may, if he deem it necessary, demand from the applicant or his agent, that such owner or his agent make a statutory declaration, setting forth that the said lands fulfil the requirements under this Act, and the said assessor shall make returns to the clerk of the township of any such lands entitled to exemption for the current year, and shall give in said returns the name of the owner, the area entitled to exemption, and the year in which the exemption shall first go into effect.

5. If at any time after the granting of any exemption under this Act, it appears to the council that the exempted lands or part thereof have been used for grazing live stock, or are not "woodlands" as defined in this Act, the council shall direct that the exemption shall cease forthwith, and may direct the clerk of the township to enter, and the clerk shall enter, such lands or part thereof on the next collector's roll whether for non-resident or resident owners, as the case may require, for the full amount of all taxes remitted during the five years immediately preceding the date on which the council shall direct that the exemption shall cease.

Exemption to cease when lands used for other purposes

6. Any assessor who shall knowingly and wilfully make fraudulent returns respecting any such lands, or any owner or agent who shall knowingly and wilfully make a fraudulent declaration respecting such lands, or a fraudulent application to have the same made exempt under this Act, shall in addition to any other punishment provided by law, be liable to a fine of not more than \$300, or imprisonment for not more than six months, or either or both, at the discretion of the court, and proceedings may be taken to recover any such penalty under *The Ontario Summary Convictions Act*.

Penalty for fraud.

## CHAPTER 43.

An Act to amend The Act for the Improvement of  
Public Highways.*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII.,  
c. 32, s. 2, subs. 1  
amended.

1. Subsection 1 of section 2 of the Act passed in the first year of His Majesty's reign, Chapter 32, as amended by section 5 of the Act passed in the 5th year of His Majesty's reign, Chapter 27, is further amended by striking out the words, "the first day of January, 1907," and inserting in lieu thereof the words "the first day of January, 1909."

1 Edw. VII.  
c. 32, s. 6a,  
repealed.

2. Section 6a of the said Act passed in the first year of His Majesty's reign as enacted by section 1 of the said Act passed in the 5th year of His Majesty's reign, and section 8 of the said first mentioned Act are repealed and the following substituted therefor:—

Payments out  
of appropria-  
tion—when to  
be made.

8.—(1) Upon the completion of any work of road improvement in pursuance of a by-law approved by the Lieutenant-Governor in Council under this Act or at any time during the progress of such work, the council of the municipal corporation of the county undertaking such work may submit to the Department of Public Works a statement setting forth the cost of such work to date together with the declaration of the treasurer of such county that such statement is correct and also the report of the county engineer or road superintendent that such work is in accordance with the regulations of the Public Works Department, and on the receipt of such statement and certificate by the Provincial Treasurer, certified and approved by the proper officer of the Public Works Department, the Lieutenant-Governor in Council may direct the payment to such municipal corporation out of the fund set apart under this Act of a sum equal to one-third of the amount of such cost.



(2) This section shall be read and construed as having been in force on and from the 1st day of January, 1905.

Commence-  
ment of section

3. The said Act passed in the 1st year of His Majesty's reign is further amended by adding thereto the following section :

1 Edw. VII.,  
c. 32 amended.

8a. The council of any union of counties which has passed a by-law under this Act designating the roads to be improved within the united counties after such by-law has been approved by the Lieutenant-Governor in Council may with the consent of two-thirds of the representatives of any county in the union by by-law apportion the amount to be expended in any year in such county and may provide that the amount so to be expended shall be raised by special rate upon the property liable to taxation in such county, or with the like consent the council of the united counties may by by-law provide for the issue of debentures for the amount to be expended and may declare that such debentures shall be a charge upon the property liable to taxation in such county, and that the amount required to be raised annually for principal and interest of any debt so created shall be levied and collected in each year during the currency of the said debentures by an annual special rate upon the property liable to taxation in such county.

Work in united  
counties.

## CHAPTER 44.

## An Act to amend The Toll Roads Expropriation Act, 1901.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Edw. VII.,  
c. 33, s. 2;  
2 Edw. VII.,  
c. 35, s. 1,  
amended.

1. Section 4 of *The Toll Roads Expropriation Act, 1901*, as enacted by section 1 of the Acts passed in the second year of His Majesty's reign, Chaptered 35, is amended by adding thereto the following as subsection (2a):

Arbitration be-  
tween county  
and city or  
separate town.

(2a) Where the initiating county and such city or separated town have heretofore agreed upon or settled or hereafter shall agree upon or settle the amount (if any) to be contributed by such city or separated town to the initiating county, the member of the council or other officer appointed by the county to name an arbitrator on its behalf under the authority of this Act, shall have power to appoint such arbitrator and any appointment of an arbitrator heretofore made or which shall hereafter be made by such member or officer is declared to be a good and valid appointment, and the arbitrator so appointed shall have the same powers as if he had been appointed by the nominees of the two municipalities as aforesaid, in determining the amount to be paid to the owner of the said road.

## CHAPTER 45.

## An Act to regulate the Width of Sleigh Runners.

*Assented to 14th May, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsections 1, 2 and 3 of section 29 of *The Statute Law Amendment Act, 1905*, are repealed.

5 Edw. VII.,  
c. 13, s. 29,  
subs. 1  
amended.

2. No by-law heretofore passed by a county council under the said sub-section 2 shall hereafter be of any force or effect.

By-laws of  
county coun-  
cils annulled.

## CHAPTER 46.

An Act to regulate the Speed and Operation of  
Motor Vehicles on Highways.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Meaning  
of motor  
vehicle.

1. The term "motor vehicle" shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power; provided, however, that it shall not include the cars of electric and steam railways, and other motor vehicles running only upon rails or tracks.

Registration  
fee to be paid  
to Provincial  
Secretary.

2. The owner of every motor vehicle driven on streets or highways shall pay to the Provincial Secretary a registration fee for such motor vehicle. The Provincial Secretary shall issue for each motor vehicle so registered a numbered permit stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, his address and the number of his permit, to be entered in a book to be kept for such purpose. The Lieutenant-Governor in Council may make regulations regarding renewals and transfers of such permits, the payments of fees therefor, the amount and time of payment of such fees and the registration and operation of motor vehicles owned by manufacturers or dealers and not kept by such manufacturer or dealer for private use.

Number of per-  
mit to be ex-  
posed on  
vehicle.

3. Every motor vehicle while being driven on streets or highways shall have attached to and exposed on the front and back thereof, securely fixed in a conspicuous position, a number in plain figures not less than five inches in height, and issued by the Provincial Secretary, being the number of such permit. The number on the front of the said motor vehicle shall be as far forward and as high from the ground as may be necessary to render it distinctly visible.

The



The number on the back shall be placed on the centre of the back of the body of such motor vehicle, so that the lower edge thereof shall not be lower than the body of said motor vehicle.

(2) No number other than that issued by the Provincial Secretary shall be exposed on any part of a motor vehicle.

4. Such numbers shall be kept free from dirt and obstructions of any kind, and shall be affixed so that the same may be at all times plainly visible.

5.—(1) Every motor vehicle shall be equipped with an alarm bell, gong, or horn, and the same shall be sounded whenever it shall be reasonably necessary to notify pedestrians or others of the approach of any such vehicle, and all such vehicles shall carry in the front thereof a lighted lamp in a conspicuous position, in such vehicle whenever in motion in any street or highway, at any time after dusk and before dawn, such lamp to display prominently upon the glass thereof the number of the permit of the motor vehicle in figures painted black not less than two inches in height, such glass being ground or stippled with white paint.

Alarm bell to be sounded at crossings, etc.

Provided, however, that a motor bicycle shall have exposed on the back thereof a number in plain figures three inches in height issued by the Provincial Secretary, being the number of the permit of said motor bicycle, and shall from dusk to dawn carry in front thereof a lighted lamp with the said number of the permit painted black on the glass thereof not less than two inches in height, the said glass being ground or stippled with white paint.

Proviso.

(2) Every motor vehicle shall carry a lamp so placed as to illuminate conspicuously at all times between dusk and dawn the number placed on the back of the body of the said vehicle.

(3) No motor vehicle shall carry what is known to the trade as a search light.

6. No motor vehicle shall be run upon any public highway within any city, town or incorporated village at a greater rate of speed than ten miles an hour, or upon any public highway outside of any city, town or incorporated village at a greater speed than fifteen miles per hour. Provided that the council of any city, town, township or village may by by-law set apart any public street or highway or any part thereof on which motor vehicles may be driven at any higher rate of speed than herein limited for the purpose of testing the same, and may pass by-laws

Rate of speed.

Proviso.

for regulating and governing the use of any such street or highway or part thereof for the purposes aforesaid.

Not to be  
recklessly  
driven.

7. Notwithstanding the provisions of section 6 hereof, if any person drives a motor vehicle on a public highway recklessly or negligently or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the highway and to the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, that person shall be guilty of an offence under this Act.

Not to be  
driven in a  
race or for a  
bet on a  
public street.

8. No person shall drive a motor vehicle upon any public street, highway, road, park, parkway or driveway in a race or on a bet or wager.

Intoxicated  
person not  
to drive.

9. No intoxicated person shall drive a motor vehicle.

Person in  
charge of  
vehicle to  
use reasonable  
precaution not  
to frighten  
horses and to  
stop on signal.

10. Every person having control or charge of a motor vehicle shall, whenever upon any public street or highway and approaching any vehicle drawn by horse or horses, or any horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same, and outside the limits of any city or town shall not approach such horse or horses within one hundred yards, or pass the same going in the opposite direction at a greater speed than seven miles per hour, and if going in the same direction shall signal his desire to pass and give the rider or driver an opportunity to turn out so that he may be passed with safety, and if any such horse or horses appear frightened he shall reduce its speed, and shall not proceed further toward such animal or animals unless such movement be necessary to avoid accident or injury, or until such animal or animals are under the control of the rider or driver, and if he approach any such person riding or driving any animal or horse upon any public highway outside of the limits of any city or town he shall also stop any such motor vehicle when signalled by such rider or driver so to do by raising his hand, or otherwise requested, and shall remain stationary so long as may be necessary to allow such rider or driver to pass, or until directed by such rider or driver to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened the operator of such motor vehicle, and any occupants of the same, shall upon request render assistance to such rider or driver in control of such animal or animals.

Meeting or  
overtaking  
horses and  
vehicles.

11. In case an accident occurs to any person, whether on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of any motor vehicle on any public highway, the person in charge of such motor vehicle shall return to the scene of the accident and, upon request, give in writing to any one demanding the same his name and address, and also the name and address of the owner of such motor vehicle, and the number of the permit of the said motor vehicle.

Liability for accidents.

12. *The Act to regulate Travelling on Public Highways and Bridges* shall, *mutatis mutandis*, apply to motor vehicles.

Rev. Stat., cap. 236, made applicable to Motor Vehicles.

13. The owner of a motor vehicle for which a permit is issued under the provisions of this Act shall be held responsible for any violation of the Act or of any regulation provided by order of the Lieutenant-Governor in Council.

Motor owner responsible.

14. Every motor vehicle shall be provided with a lock, key or other device to prevent such vehicle being set in motion, and no vehicle shall be permitted to stand or remain unattended in any shed, highway, park or other public place without first locking or making fast the vehicle.

Motors to be locked when unused.

15. No provision in any by-law heretofore or hereafter passed under paragraph 7 of section 540 of *The Municipal Act* inconsistent with the provisions of this Act shall affect or apply to motor vehicles.

Rev. Stat., c. 223, s. 540 paragraph 7, not to apply.

16. The Provincial Secretary may at any time suspend or revoke any permit on account of any misconduct or infraction of the provisions of this Act or regulations provided thereunder by any owner or driver of a motor vehicle for which such permit is issued.

Provincial Secretary may revoke license.

17. The Provincial Secretary shall furnish all Clerks of the Peace with copies of this Act and regulations thereunder for distribution to the constables of all counties and municipalities, and he shall also provide copies of this Act to the clerks of municipalities, to be posted up in conspicuous places, and shall furnish on the first days of May and September in each year to the clerks of all municipalities lists of all persons to whom permits are issued.

Provincial Secretary to furnish copies of Act and lists of licenses.

18. When any loss or damage is incurred or sustained by any person by a motor vehicle, the onus of proof that such loss or damage did not arise through the negligence or

In case of accident onus cast upon motor owners.

or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of such vehicle.

Penalties..

19.—(1) Any person violating any of the provisions of sections 3, 8 and 11 of this Act shall, upon summary conviction, for the first offence, be liable to a fine not exceeding \$50, for the second offence to a fine of \$100, and for the third or any subsequent offence to a term of imprisonment not exceeding one month.

(2) A Police Magistrate or Justice of the Peace who shall make a conviction under this section shall certify the same to the Provincial Secretary, setting out the name of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the nature of the offence, and the time it was committed, and, if three such convictions are made against the same person within a calendar year, the permit of the motor vehicle, whereby the offence on which such third conviction was made, was committed, shall be cancelled, and the offender shall not be entitled to a permit under this Act for a period of two years thereafter.

Penalties

20. Any person violating any of the provisions of this Act, or any regulations made thereunder, where penalties for the violation thereof are not hereinbefore provided, upon summary conviction, shall be liable to a fine of not less than \$10 or more than \$50 and costs.

Arrests without  
warrant.

21. Every peace officer as defined by the Criminal Code who on reasonable and probable grounds believes that an offence against any of the provisions of sections 3, 8 and 11 of this Act has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or not.

Assisting peace  
officers.

22. Every one called upon to assist a peace officer in the arrest of a person suspected of having committed such offence as last aforesaid is justified in assisting if he knows that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion.

Arresting with-  
out warrant on  
view of offence.

23. Every one is justified in arresting without warrant any person whom he finds committing any offence against sections 3, 8 and 11 of this Act for which the offender may be arrested without warrant or may be arrested when found committing.



24. Such peace officer or other person making an arrest without warrant as above provided may detain any motor vehicle in respect to which such offence has been committed until the final disposition of any proceeding which may be taken under the provisions of this Act. Provided that such motor vehicle may be released on security being given to the satisfaction of a Justice of the Peace.

Detaining  
vehicle when  
arrest made.

25. Such peace officer or other person making an arrest shall with reasonable diligence take any person so arrested without warrant before a Justice of the Peace for a warrant or trial.

Taking offen-  
de before  
magistrate.

26.—(1) The following Acts and amendments thereof are hereby repealed:

Repeal of  
former enact-  
ments.

3 Edward VII., chapter 27, intituled *An Act to regulate the speed and operation of Motor Vehicles on Highways*;

5 Edward VII., chapter 28, intituled *An Act to amend the Act to regulate the speed and operation of Motor Vehicles on Highways*. Provided, however, that

(2) Any permit issued, Order in Council made, or any Act or thing done under the Acts hereby repealed shall continue in force as if issued, made or done under this Act.

(3) Any penalty may be recovered and any offence may be prosecuted under this Act for any matter or thing provided for under the Acts hereby repealed.

27. This Act shall come into force on the first day of July, 1906.

Commence-  
ment of Act.

## CHAPTER 47.

## An Act to amend The Liquor License Laws.

*Assented to 27th April, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION.

Interpretation. 1.—(1) Where the words following occur in this Act or in *The Liquor License Act* or in the schedules thereto they shall be construed in the manner hereinafter mentioned unless a contrary intention appears;

"Tavern." (a) "Tavern" shall mean an hotel, inn or other public house of entertainment kept for the purpose of providing refreshment and accommodation, which shall include board and lodging, for the public.

"Keeper." (b) "Keeper" when used with respect to licensed premises shall mean and include the person to whom the license was issued or who is the holder of the license, and where a license is held by a firm shall mean and include the firm and every individual member thereof, and where the license is held by an incorporated company, shall mean and include the company, and the manager, superintendent, or other person in charge of the premises or responsible for the conduct of the business carried on thereon.

"Board." (c) "Board" shall mean the Board of License Commissioners appointed for any License District under the provisions of *The Liquor License Act*.

"Justice." (d) "Justice" shall mean and include any one or more justices of the peace, and any Police Magistrate or Stipendiary Magistrate.

"Justices." (e) "Justices" shall mean two or more justices of the peace sitting and acting together and shall also include a Police Magistrate or Stipendiary Magistrate and wherever by this Act or *The Liquor License Act* jurisdiction is conferred

ferred upon two justices of the peace sitting and acting together the same may be exercised by a Police Magistrate or Stipendiary Magistrate having jurisdiction as such in any part of the county or district for which such justices of the peace might act.

(f) "County" shall include a union of counties and a "County." provisional judicial district.

(g) "Licensed premises" shall mean a warehouse, tavern or shop, in respect to which a license under *The Liquor License Act* has been granted and is in force and shall include every room, closet, cellar, yard, stable, outhouse, shed, and any other place whatsoever, of, belonging, or in any manner appertaining to such warehouse, tavern or shop. "Licensed Premises."

(2)—The paragraph numbered 1 in section 2 of *The Liquor License Act* is amended by adding thereto the following,— Rev. Stat., c. 245, s. 2, par. 1, amended.

"(a) Any liquor which contains more than two and one-half per cent. of proof spirits shall be conclusively deemed to be intoxicating." When liquor to be deemed intoxicating.

#### REGULATIONS.

2.—(1) The Lieutenant-Governor in Council may from time to time make regulations:— Regulations by Order in Council.

1. For the appointment of permanent officers, clerks, and servants of the License Branch at Toronto for the purpose of carrying out the provisions of *The Liquor License Act* or of any other Act of the Province of Ontario respecting licenses for the manufacture or sale of liquor or for the regulation of the sale of liquor by wholesale or retail in this Province; Appointment of officers, etc.

2. For defining the duties and powers of such officers, clerks and servants, and for fixing the security to be furnished by them or any of them for the due performance of their respective duties and for fixing the salaries of such officers, clerks and servants; Duties, powers and salaries of officers, etc.

3. For providing for the employment of such special or temporary officers and clerks as may from time to time be necessary in the opinion of the Minister for the better enforcement of the provisions of this Act and any regulations or by-laws passed thereunder; Special or temporary officers and clerks.

4. For regulating the transaction of business in the License Branch and for the direction of License Inspectors and License Commissioners in the performance of their duties under this Act or *The Liquor License Act*, or any regulation or by-law made or passed thereunder; Regulation of business.

5. For providing for the inspection of License Districts and of the books and accounts of Inspectors and ascertaining that the duties of the office of Inspector are faithfully and efficiently performed; Inspection of License Districts.

Investigations

6. For providing for the holding of investigations into the conduct of Inspectors and License Commissioners and for empowering any officer or other person holding such investigation to take evidence on oath and to summon witnesses and to enforce their attendance and to compel the production of books and documents, and for conferring upon such officer or other person all the powers possessed by a commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

Rev. Stat., c. 19.

Regulations to be published in *Gazette*.

(2) Every regulation made by the Lieutenant-Governor in Council under this Act shall be published in the *Ontario Gazette* and shall take effect from the date of such publication.

#### MEMBERS OF MUNICIPAL COUNCILS, ETC.

Licenses not be issued to members of councils or their wives, etc.

3.—(1) No tavern or shop license shall be issued to or held by any person who is a member of a municipal council, nor shall any such license be issued to or transferred to or held by any person who is the wife, or partner in business, or agent, or the son or daughter (if such son or daughter is resident with his or her father), of a member of the municipal council of a municipality within the License District in which the licensed premises or the premises for which a license is sought, or the premises to which the license is sought to be transferred, as the case may be, are situate.

Licenses, husbands, etc., disqualified for election to councils.

(2) No person who is the manager of any company to which a license is issued or transferred under this Act or who is employed in any capacity in the business of any person, firm or company holding a license under this Act, and no person whose wife, or partner in business, or agent, or whose son or daughter (if such son or daughter is resident with his or her father) is the holder of a tavern or shop license shall be qualified to be elected a member of the council or to sit or vote in the council in any municipality comprising or forming part of the license district in which the licensed premises are situate, but no person shall be disqualified or rendered ineligible to sit and vote in a municipal council by reason only of such person being a shareholder in a company to which a license is issued or transferred under this Act.

#### SECURITY BY APPLICANT FOR LICENSE.

Security—by licensees,—general agreements with guarantee companies.

4.—(1) In lieu of the security to be given as provided by section 17 of *The Liquor License Act* the Lieutenant-Governor in Council may by Order in Council direct that an agreement may be entered into between His Majesty and any guarantee company or other company authorized to enter into contracts of suretyship or to issue policies for guaranteeing the good behaviour of persons required to furnish such security,—by which the said company may undertake,



undertake, in consideration of a fixed annual payment or otherwise, to indemnify His Majesty or any municipal corporation against the non-payment of any fines or penalties or costs which the person applying for any license or to whom any license is transferred may be ordered to pay during the term for which the license is granted or during which such person is the holder of a tavern or shop license, to the amount set out in the said agreement or in any schedule attached thereto.

(2) It shall not be necessary that a separate agreement shall be entered into for each applicant for a license or transferee of a license, but the agreement with such company may provide that upon notice being given in writing by an officer of the Government of Ontario at Toronto to the company that the company is required to furnish security for any such applicant or transferee, and upon the acknowledgment in writing of receipt of such notice by the company,—the company shall become liable to the amount set out in such notice.

When liability of company to attach.

(3) The amount chargeable to each applicant for such guarantee shall be stated in the agreement and shall be paid by the applicant, to the Inspector before the issue of the License, and shall be by him forthwith deposited to the credit of the License Fund of the License District.

Payment of premium by Licensee.

#### SALES ON VESSELS, ETC.

5. The owner, master, captain or other person in command or in charge of any ferry boat or any vessel navigating any of the great lakes or the Rivers St. Lawrence or Ottawa or any of the inland waters of the Province of Ontario shall be deemed to be "the occupant" of such ferry boat or vessel within the meaning of section 112 of *The Liquor License Act* and for every contravention of the provisions of the said Act on board such ferry boat or vessel shall be personally liable to the penalty and punishment prescribed in the said Act in the same manner and to the same extent as the occupant of a house, shop, room or other place.

Who to be deemed "occupant" of steamboat, etc.

#### BAR TENDERS' LICENSES.

6.—(1) The expression "bar tender" as used in this section shall mean and include any person who sells or supplies liquor in the bar-room or other place from which liquor is dispensed to any person whomsoever in or upon any premises in respect of which a tavern license has been issued under *The Liquor License Act*.

"Bar-tender," meaning of.

Rev. Stat. c. 245.

(2) No keeper of a licensed tavern in any city or town or in any locality in those parts of the Province without county organization (called in this section a licensee) shall employ any

Employment of unlicensed bartenders prohibited

any bar tender, or permit any person to act as such in or upon his licensed premises, who is not, during the whole time he is employed, or permitted so to act, the holder of a bar tender's license, as provided by this section.

Penalty.

(3) Any licensee who violates the preceding subsection shall, for every day or portion of a day, during which such violation continues, incur a penalty of not less than \$10 and not more than \$20 or imprisonment for a period not exceeding one month.

Acting as  
bartenders  
without  
license.

(4) Any person acting as a bar tender in any city or town or in any such locality without first having obtained a license, as in this section provided, shall be liable to the same penalties as those prescribed in the case of a licensee, in the next preceding subsection, and in any prosecution brought under this subsection the onus of proving that he holds a bar tender's license shall rest upon the defendant.

Penalty for  
violation of  
law by licensed  
bar-tender.

(5) Any person having obtained a bar tender's license who shall sell or deliver, or cause to be sold or delivered any liquor in contravention of any of the provisions of this Act, or *The Liquor License Act*, or of any by-law or regulations made under this Act, or *The Liquor License Act*, to any person whomsoever shall be liable to a penalty not exceeding \$20 or to imprisonment for one month.

Cancellation  
of licenses for  
offences.

(6) In addition to any other penalty which may be imposed upon a bar tender for any offence under this Act the Board may forthwith cancel the license of such bar tender, who shall not thereafter be eligible to receive another license under this Act for any purpose whatever during the current license year and upon a conviction for a second offence of any nature within two years the license of such bar tender shall *ipso facto* become void and he shall not thereafter be eligible to hold any license under this Act for two years.

License not to  
be issued to  
minors or per-  
sons not of  
good character

(7) No bar tender's license shall be issued to any person who is not of the full age of twenty-one years, and of good character.

Nor to a  
woman.

(8) No bar tender's license shall be issued to any woman.

Form of  
license, fee  
thereon.

(9) The said bar tender's license may be in the form set out in Schedule "A" to this Act and may, subject to the conditions in this section mentioned, be obtained at any time on application to the Inspector, on payment therefor of the sum of \$2. Provided, however, that the Inspector may for any cause which he may consider sufficient refuse to issue such license, but the issue or refusal of a license to a bar tender shall in all cases be subject to the approval of the Board.

Term of  
license.

(a) Such license shall only be valid during the currency of the license year in which it is issued  
and

and shall expire on the last day of the month of April then next ensuing.

- (b) All fees received for bar tenders' licenses shall be paid into the License Fund of the District in which the same are issued. Application of fees.
- (c) No bar tender's license shall be valid in any license district other than that in which the same was issued, unless and until it has been endorsed by the Inspector of some other license district, and such endorsement (for which no charge shall be made) shall give validity to such license in the district in which the Inspector, who has endorsed the same, has jurisdiction, provided such license has not been cancelled prior to the endorsement, but such Inspector may for any cause which he may consider sufficient withhold such endorsement, subject to the approval of the Board. Endorsement of license by inspector of another district.
- (d) Every Inspector who issues or endorses a bar tender's license shall enter a memorandum of the same in a book to be provided for the purpose, and such entry, as well as the entry of a memorandum that any such license has been cancelled, shall be received in any court as *prima facie* evidence, of the facts therein stated. Instead of the production of the book containing such entry, the presiding Justice may receive a certificate of any such entry as aforesaid, purporting to be signed by the proper Inspector, without requiring proof of the signature of such Inspector. Record of licenses issued.
- (e) Every licensed bar tender shall produce his license forthwith on request, to any Inspector or other official appointed by the Crown or to any constable or police officer; and should such bar tender refuse or neglect to make such production when required he shall be liable to a penalty not exceeding \$10 and costs and in default of payment to imprisonment in the common gaol of the county in which the offence was committed for any period not exceeding ten days with or without hard labour. Production of license upon request of Inspector.

(10) Nothing in this section contained shall apply to or affect the sale or delivery of any liquor by the keeper of a licensed tavern, or by any male member of his family of the full age of twenty-one years, other than a domestic servant or other person in the employment of the licensee, nor shall anything in this section contained apply to or affect the delivery of liquor by any person in any place in a licensed tavern other than the bar-room or place from which liquor is dispensed. Persons not required to have license.

Temporary employment of unlicensed persons.

(11) Notwithstanding anything in this section contained, a licensee may, in a case of temporary emergency, employ as bar-tender any male person of the full age of twenty-one years, provided that such employment shall not be upon more than two days, not necessarily consecutive, in any one calendar month.

#### LICENSES TO FIRMS.

Granting tavern or shop licenses to partnerships.

7.—(1) A tavern or shop license may be granted or transferred to a firm registered under *The Act respecting the Registration of Co-partnerships and Business Firms* but subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses set forth.

Application for firm license.

(2) The application for such license shall be signed by the firm in the registered name of such firm and by every person registered as a member of such firm in his own name, and the bond or other security to be furnished as provided by section 17 of *The Liquor License Act* shall be executed and entered into or furnished by each registered member of the firm severally.

Liability of members of firm.

(3) Every registered member of the firm shall be severally liable to the fines and penalties imposed by *The Liquor License Act* in the same manner and to the same extent as if he were the holder of the license and any prosecution for a violation of the said Act in or upon premises the license for which is held by a firm may be carried on against the individual members of the firm or any one or more of them jointly or severally, but not more than one of the members of the firm shall be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other or others of them.

Effect of changes in firm.

(4) If during the term of the license any change takes place in the firm by death, dissolution of partnership, or the retirement of any member of the firm, the remaining members of the firm and the legal representatives of any such deceased member shall within one month thereafter obtain the written consent of the Board to the continuance of the business, and in case such consent is not obtained or the license is not transferred as provided by section 37 of *The Liquor License Act*, such license shall be void.

Cancellation of firm license.

(5) The license granted or transferred to any firm may be revoked or cancelled under the circumstances and in the manner provided by section 91 of *The Liquor License Act*, or by any provision of this Act, and the said section and other provisions shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of the said section and other provisions be deemed to have been the conviction of the firm.



## LICENSES TO COMPANIES.

8.—(1) A tavern or shop license may be granted or transferred to an incorporated company, but under and subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses set forth.

Tavern or shop  
licenses to  
companies.

(2) The application for such license shall be signed by the president and secretary of the company and the corporate seal of the company shall be affixed thereto, and in lieu of the security required by section 17 of *The Liquor License Act* such security shall be furnished by the company as shall be determined by Order in Council.

Application  
for company's  
license.

(3) The company shall, before such license is issued and from time to time thereafter as a vacancy may occur, appoint some person to be manager of the licensed premises and shall file with the Board a certificate of the appointment of every such manager under the hands of the president and secretary and the corporate seal of the company.

Manager to be  
appointed.

(4) Every manager of an incorporated company holding a tavern or shop license shall be responsible for the proper and lawful conduct of the business carried on on the licensed premises and shall perform the same duties and be liable to the same fines and penalties for any violation of *The Liquor License Act* or any regulation or by-law made or passed thereunder, and shall give the same security as if the license for such premises had been issued to him in his own name.

Duties and  
liabilities of  
manager.

(5) Every incorporated company holding a license under *The Liquor License Act* shall be liable to the same fines for any violation of the said Act or of any regulation or by-law made or passed thereunder as any other holder of a license and such penalties with full costs of suit may be recovered by the Inspector by an action brought in the name of the Inspector in any court of competent jurisdiction, and every such action shall be tried by a judge without a jury.

Liability of  
company.

(6) No such action shall be a bar to or be barred by any prosecution which may be brought against the manager of the company or any other person under the said Act.

Action against  
company not  
to interfere  
with prosecu-  
tion of  
manager.

(7) The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 91 of *The Liquor License Act*, or any provision of this Act, and the said section and other provisions shall apply to companies in the same manner and to the same extent as to individuals, and the conviction of the manager of the company for the time being shall for the purposes of the said section and other provisions be deemed to have been the conviction of the company.

Revocation  
and cancella-  
tion of com-  
pany's license.

## DETERMINING POPULATION FOR PURPOSES OF ACT.

Population to  
be ascertained  
by last enumer-  
ation of  
assessors.

9.—(1) Whenever in this Act or in *The Liquor License Act* reference is made to the number of the population of any municipality the number of such population shall be determined by the enumeration taken by the assessors at the last preceding municipal assessment.

(2) In case of the alteration or formation of a municipality subsequent to the taking of such enumeration, the population of such municipality for the purposes of this Act may be ascertained by reference to the enumeration on which such municipality was so altered or formed.

Rev. Stat.,  
c. 245, s. 19,  
repealed.

(3) Section 19 of *The Liquor License Act* is repealed.

(4) This section shall not come into force or take effect until the first day of January, 1907.

## LICENSE DUTIES.

Tavern and  
shop licenses.  
Duties payable.

10.—(1) The following license duties shall hereafter be payable and save as in section 11 of this Act provided shall be in lieu of all others, Provincial or municipal, that is to say:—

In a city having a population of more than 100,000:

For a tavern license.....\$1,200

For a shop license ..... 1,000

In a city having a population of more than 30,000 and not more than 100,000:

For a tavern license .....\$700

For a shop license ..... 700

In a city or town having a population of more than 10,000 and not more than 30,000:

For a tavern license .....\$500

For a shop license ..... 500

In a city having a population of 10,000 or less and in a town having a population of more than 5,000 and not more than 10,000:

For a tavern license .....\$450

For a shop license ..... 450

In a town or incorporated village having a population of more than 2,000 and not more than 5,000:

For a tavern license .....\$350

For a shop license ..... 350

In a town or incorporated village having a population of 2,000 or less:

For a tavern license .....\$250

For a shop license ..... 270

In a township:

For a tavern license .....\$120

For a shop license ..... 200

Provided

Provided that in any locality in a Provisional Judicial District other than an incorporated city, town or village there shall be payable:

For a tavern license .....\$120

And provided that in a city, town, village or other municipality, or a locality without municipal organization in a Provisional Judicial District there shall be payable:

For a shop license .....\$500

For a beer and wine license a fee of three-fourths of that imposed for a tavern license in the municipality or unorganized district in which the beer and wine license is issued.

For every transfer of a tavern or shop license a fee amounting to one-third of the fee payable for the license transferred.

For each wholesale license elsewhere than in cities .....\$250

In cities having a population of 150,000 and upwards .....\$450

In cities having a population of less than 150,000 and not less than 40,000. \$400

In cities having a population of less than 40,000 .....\$350

Provided that the Lieutenant-Governor in Council may increase the duties payable for tavern or shop licenses in any Provisional Judicial District or in any municipality or locality situated therein to such an amount as may be deemed proper, and such increase shall take effect as may be directed by Order-in-Council or from the date of the publication thereof in the *Ontario Gazette*.

(2) Sections 41, 42, 43 and 44 of *The Liquor License Act* are repealed. Rev. Stat., c. 245, ss. 41-44 repealed.

11.—(1) The council of any municipality may by by-law increase the duties to be paid for tavern or shop licenses therein beyond the amounts hereinbefore provided, but every such by-law shall, before the final passing thereof, be submitted to and approved by the electors in the manner provided by *The Consolidated Municipal Act, 1903*, with respect to by-laws which before their final passing require the assent of the electors of the municipality. By-law for increasing duties.

(2) Such by-law shall take effect from the passing thereof unless passed later than the 1st day of March in any year, in which case it shall come into force on the first day of May of the next succeeding year. When by-law to take effect.

(3) Any by-law so approved shall not be varied or repealed unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the municipality. By-law not to be repealed, etc., without assent of electors.

(4) Where the council of any municipality by by-law duly passed prior to the passing of this Act has provided that license duties in excess of the amount fixed by *The Liquor* By-laws heretofore passed in increasing duties beyond section 10.

*Liquor License Act* shall be payable, and the total amount payable for a tavern or shop license in such municipality is by reason of such by-law increased to an amount in excess of that fixed by section 10 of this Act, the duties payable in such municipality shall be those fixed by section 10 of this Act, with such an amount added thereto as will together with the amount fixed by the said section 10 equal the amount payable at the time of the passing of this Act in such municipality, but the whole of such duties shall be payable into the License Fund of the License District, and shall be dealt with and apportioned as provided by section 12 of this Act, Provided that any by-law heretofore passed for increasing such license duties beyond the amount payable under *The Liquor License Act* may be repealed or amended as hereinbefore provided, but in no case shall such license duties be reduced below the amount fixed by section 10 of this Act.

Proviso.

Proviso.

(5) Provided that in any city where an increase is by this Act made in the fee or duty payable for a tavern or shop license no further increase shall be made under this section by the council of such city.

#### LICENSE FUND.

Moneys payable into License Fund.

12.—(1) All sums received for duties on tavern and shop licenses imposed under this Act or under any municipal by-law passed under this Act, and for transfers thereof, and for bar tenders' licenses in any License District, and all sums received by the Inspector for fines and penalties for offences committed in such district shall form the License Fund of the License District, but such fines and penalties, and all sums received for transfers, shall belong to and be appropriated for the uses of the Province.

Application and distribution of fund.

(2) So much of the License Fund as is not specially appropriated otherwise, shall be set apart, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the Inspector, and for the expenses of the office of the Board and of officers, and otherwise in giving effect to the provisions of this Act, and the residue, at such times as may be prescribed by the regulations of the Lieutenant-Governor in Council shall be paid over, one-half to the Treasurer of the Province to and for the use of the Province, and one-half to the treasurer of the city, town, village or township municipality in which the licensed premises are situate.

Issuing cheques on fund.

(3) Cheques upon the license fund account shall be drawn by the Inspector, and countersigned by the chairman of the Board, or any two of the License Commissioners subject to the regulations of the Lieutenant-Governor in Council, but no cheque shall be issued upon the License Fund until authority therefor has been given by the License Branch.



(4) All accounts against the License Fund shall be audited by the proper officer of the License Branch at Toronto.

Audit of  
license fund  
accounts.

(5) Section 45 of *The Liquor License Act* is repealed.

Rev. Stat.,  
c. 245, s. 45  
repealed.

#### PROHIBITED SALES.

13. Sections 54, 55 and 56 of *The Liquor License Act* are repealed and the following substituted therefor:—

Rev. Stat.,  
c. 245, ss. 54-56  
repealed.

54. Subject to the provisions hereinafter contained, in every place where intoxicating liquors are authorized to be sold by wholesale or retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever from or after the hour of seven of the clock on Saturday night until six of the clock on Monday morning thereafter, save and except in cases where a requisition for medical purposes, signed by a duly qualified medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited for the sale of the same, except by the occupant or some member of his family, or lodger in his house.

Sales between  
7 p.m. on  
Saturday and  
6 a.m. on  
Monday.

55. No sale or other disposal of liquors shall take place in any place where liquor is authorized to be sold by wholesale or retail, or on the premises thereof, or out of or from the same to any person whomsoever, save and except in cases where a requisition for medical purposes, signed by a duly qualified medical practitioner, or by a justice of the peace is produced by the vendee or his agent, nor shall any such liquors whether sold or not, be permitted or allowed to be drunk in any such place, except by the occupant or some member of his family or lodger in his house, during the hours and upon the days following, that is to say:—

Other pro-  
hibited sales.

(a) Between the hour in townships, villages and unorganized territory of ten o'clock, and in cities and towns of eleven o'clock in the afternoon of any day of the week other than Saturday and Sunday and the hour of six o'clock in the forenoon of the next day upon which liquor may be lawfully sold in such place;

Closing hours  
on ordinary  
days.

(b) During any day on which a poll is being held throughout the municipality or in the electoral district or ward in which such place is situate for or at any Parliamentary election or election of a member of the Legislative Assembly, or any municipal or school election, or under any Act of the Parliament of Can-

Polling days.

ada, or of the Legislature of Ontario or any municipal by-law respecting the prohibiting, restricting, regulating or affecting in any manner the sale of liquor.

Bar-rooms to be kept closed during prohibited hours.

56.—(1) The keeper of any licensed tavern in a city or town shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same, under clauses (a) and (b) of this section, during the hours and on the days in which the sale of liquor is prohibited by sections 54 and 55 of this Act; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during the time aforesaid, shall be guilty of an offence under this Act, unless it is established to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard,

(a) That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented or was present in such bar-room, a member of the family or household (other than a lodger, boarder, or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,

(b) Or that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours.

“Keeper,” meaning of.

(2) The word “keeper” when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the “keeper” of the licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor’s option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor.

#### PENALTIES AND PROSECUTIONS.

Selling during prohibited hours.

14. Section 73 of *The Liquor License Act* is repealed and the following substituted therefor:—

Between 7 p.m. on Saturday and 6 a.m. on Monday.

73.—(1) Offences against section 54 of this Act shall be punishable as follows:—

(a) For the first offence by a fine of not less than \$50 and not more than \$100 or imprisonment for one month,

26a s.

(b)

(b) For the second offence by a fine of not less than \$100 nor more than \$200 or imprisonment for three months,

(c) For the third offence by a fine of not less than \$200 nor more than \$400 or imprisonment for five months.

(2) Offences against section 55 of this Act shall be punishable as follows:— At other unlawful times.

(a) For the first offence by a fine of not less than \$40 nor more than \$60 or imprisonment for twenty days,

(b) For the second offence by a fine of not less than \$60 nor more than \$100 or imprisonment for forty days,

(c) For the third offence by a fine of not less than \$100 nor more than \$200 or imprisonment for three months.

15. Where upon a prosecution of any person under this Act or *The Liquor License Act* for the sale or keeping for sale of liquor without the license therefor by law required the Justice or Justices before whom such prosecution is brought shall find that liquor exceeding two gallons in quantity was kept upon the premises occupied by such person,—the keeping or having upon such premises of any beer pump or other appliance commonly used in a bar-room shall be conclusive evidence that such liquor was kept upon the premises for sale. Having bar appliances, when to be conclusive evidence of sale.

16. In any prosecution under this Act or *The Liquor License Act*, the production by the Inspector or any officer of the Crown of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such analyst, shall be conclusive evidence of the facts stated in such certificate. Certificate of analyst as evidence.

17.—(1) Whenever a prosecution is brought against any person under this Act or *The Liquor License Act* for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, it shall be the duty of the Inspector to prosecute as for a second or subsequent offence according to the fact. Duty of inspector as to second offences.

(2) Any Inspector who knowingly or wilfully violates the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50. Penalty.

(3) The paragraph numbered 3 in section 101 of *The Liquor License Act* is repealed. Rev. Stat., c. 215, s. 101, par. 3, repealed.

Protection of witness who admits unlawful act.

18. If upon any prosecution under this Act or *The Liquor License Act* or any regulation or by-law made or passed under this Act or *The Liquor License Act* it appears from the evidence of any witness that such witness was unlawfully present at the time or place at which the offence was committed or did unlawfully procure or attempt to procure liquor at such time or place the Justice or Justices before whom the prosecution is brought may having regard to the demeanour of the witness and his mode of giving evidence, by certificate in that behalf exempt such witness from prosecution for such unlawful act, but no such exemption shall be granted to any person charged with the unlawful keeping for sale or other disposal of liquor nor to the keeper or occupant of premises upon which the offence in respect of which the prosecution is brought is alleged to have been committed.

Canvassing, etc., by shop licensees prohibited.

19. Every holder of a license to sell liquor by retail, who by himself, his servant or agent canvasses for, or receives, or solicits orders for liquor within any municipality in which a by-law passed under section 141 of *The Liquor License Act* is in force shall be guilty of an offence against this Act and shall incur the penalties provided for the sale of liquor without the license therefor by law required.

#### LAW ENFORCEMENT.

Fund to be used by Minister in enforcing law.

20.—(1) In case the Legislature shall from time to time appropriate a sum of money to be used for the purpose of preventing the violation of the provisions of this Act or of *The Liquor License Act* or of regulations or by-laws made or passed thereunder, the sum so appropriated shall be set apart and be known as the Liquor Law Enforcement Fund, and the moneys to the credit of the said fund from time to time shall be paid out under the direction of the Minister to such officers and persons as he may think proper, to be expended in the enforcement of this Act and *The Liquor License Act* and of such regulations and by-laws or the detection of offences against this Act or *The Liquor License Act* or any such regulation or by-law.

(2) The certificate or order of the Minister that any sum of money is required to be paid out of the said fund shall be sufficient authority for the issuing of a cheque by the Provincial Treasurer for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account to the Minister for the proper disbursement of the amount received by such officer or other person.

Rev. Stat., c. 245, amended.

21. *The Liquor License Act* is amended by inserting therein the following section as section 127 a.



127a. The council of any municipality in which any by-law passed under section 141 of this Act or under any of the provisions mentioned in section 142 of this Act, for prohibiting the sale of liquors by retail, is in force, may by by-law appoint an officer whose duty it shall be to enforce the provisions of this Act and of any such prohibitory by-law within the municipality, and such council may by by-law provide for the payment of such officer or officers and for payment of any expenses incurred in such enforcement out of the general funds of the municipality and every officer so appointed shall have within the municipality for which he is appointed all the powers possessed by a provincial officer appointed under section 127 of this Act and all the provisions of this Act applicable to any such provincial officer shall apply as to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions.

Appointment of officers by councils to enforce local option by-laws.

#### CANCELLATION OF LICENSES.

22.—(1) After three several convictions within a period of two years for offences against sections 54, 55 or 56 of *The Liquor License Act*, or section 26 of this Act or against any section of *The Liquor License Act* for the contravention of which the penalty or punishment is provided by section 72 or section 86 of the said Act whether such convictions were for the same offence or for different offences so long as the second of such convictions was for an offence committed after the first of such convictions, and the third of such convictions was for an offence committed after such second conviction the Board shall within one month from the date of the last of such convictions or in the event of an appeal from such conviction and the confirmation thereof upon such appeal then within one month from the date of the judgment in such appeal, by resolution declare that the license held by any license holder so convicted is cancelled and revoked, and thereupon such license shall become inoperative and void and such license holder shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under this Act; provided that nothing in this section contained shall affect the liability to forfeiture of a license in any other case provided for by this Act, nor relieve the offender from any other penalty imposed by this Act.

Board to cancel licenses after three convictions within two years.

Proviso.

(2) In case the Board refuse or neglect to declare such license cancelled after having been notified in writing so to do by the Minister or by any municipal elector of the municipality in which the licensed premises are situate the members of the Board shall severally be liable to a penalty

Liability of Board refusing or neglecting to act.

Proviso.

penalty of \$100 which may be recovered with full costs of suit in an action to be tried by a Judge without a jury in any court of competent jurisdiction by any person who may sue therefor, and one-half of every penalty so recovered shall be paid to His Majesty for the uses of the Province and one-half shall be paid to the person bringing such action. Provided that no member of the Board shall be found liable for such penalty and costs, who shows to the court at the trial of such action that he voted for the cancellation of such license or did all that could be done by him to procure such cancellation.

Inspector to report convictions to Board.

(3) The Inspector shall report to the Board every conviction of a holder of a tavern or shop license for a violation of *The Liquor License Act* or of this Act, and in such report shall state the section of the Act under which such license holder was convicted and the penalty imposed, and the Board shall cause a book to be kept in which shall be recorded against the name of each license holder the report of every such conviction.

Penalty for neglect to report.

(4) If the Inspector knowingly or wilfully violates the provisions of the preceding subsection he shall incur a penalty of not less than \$50 and not more than \$100 besides costs.

Minister may cancel license in provisional judicial districts.

(5) In case the Minister receives information that the holder of any license for premises situated in a provisional judicial district is habitually disregarding the law by keeping such premises in an uncleanly, unsanitary or unsuitable condition or by allowing drunken, disreputable or disorderly persons to resort thither, or by any other violation of the provisions of *The Liquor License Act* or of this Act or by supplying or allowing liquor to be supplied to Indians contrary to any Act of the Parliament of Canada, the Minister may detail a special officer or some officer of the Department to enquire into the matter and upon the report of such officer that such licensed premises are so kept, or that it appears that habitual violations of *The Liquor License Act* or of this Act or of any such Act of the Parliament of Canada are being committed by the license holder, the Minister may cancel the license, and such license holder shall thereafter be disqualified for a period of two years from receiving or holding any license under this Act.

Rev. Stat., c. 245, s. 93, repealed.

(6) Section 93 of *The Liquor License Act* is repealed.

#### LICENSES IN PROVISIONAL JUDICIAL DISTRICTS.

Minister may prohibit the granting of a license in provisional judicial district.

23.—(1) Notwithstanding anything in *The Liquor License Act* contained the Minister may at any time prohibit the granting of a tavern, shop or wholesale license to any person for premises situate in a Provisional Judicial District,

trict, and it shall be the duty of every member of the Board and of the Inspector to see that any order given by the Minister under this section is carried out.

(2) Every License Commissioner or Inspector who issues or sanctions or permits the issue of a license in contravention of any such order shall be guilty of an offence against this Act and shall incur the penalties provided by section 69 of *The Liquor License Act*.

Penalty for issuing license after prohibition.

Rev. Stat. c. 245.

#### LOCAL OPTION.

24. Subsection 2 of section 141 of *The Liquor License Act* is repealed and the following substituted therefor:

Rev. Stat., c. 245 s. 141, subs. 2, repealed.

(2) The day fixed by the by-law for taking the votes of the electors thereon shall be the day upon which under *The Consolidated Municipal Act, 1903*, or any by-law passed under the said Act, a poll would be held at the annual election of members of the council of the municipality.

Local option by-law to be submitted at municipal election.

(3) In case a petition in writing signed by at least twenty-five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections, is presented to the council on or before the 1st day of November next preceding the day upon which such poll would be held, praying for the submission of such by-law, it shall be the duty of the council to submit the same to a vote of the municipal electors as aforesaid.

Council to submit by-law on petition of 25 per cent. of electors.

(4) In case three-fifths of the electors voting upon such by-law approve of the same the council shall within six weeks thereafter finally pass such by-law, and this subsection shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by *mandamus* or otherwise.

By-law to be passed if approved by three-fifths of persons voting.

(5) In case such by-law does not receive the approval of at least three-fifths of the electors voting thereon the council shall not pass the same and no by-law for the same purpose shall be submitted to the municipal electors before the date of polling for the third annual election of members of the council to be held after that at which the voting on the first mentioned by-law took place.

When by-law not so approved no action to be taken for three years.

(6) No by-law passed under the provisions of subsection 1 of this section shall be repealed by the council passing the same until after a by-law for that purpose has been submitted to the electors and approved by three-fifths of the electors voting thereon, in the same manner as the original by-law, on the polling day at the third or some subsequent annual municipal election held after the passing

Repealing local option by-law.

ing of such original by-law; and in case such repealing by-law is not so approved, no other repealing by-law shall be submitted to the electors until the polling at the third annual municipal election thereafter. Provided that any by-law heretofore passed under subsection 1 of this section may be so repealed with the approval of a majority of the electors voting upon such repeal.

When by-laws  
to take effect.

(7) Every by-law passed under this section shall come into force and take effect as from the 1st day of May next after the passing thereof.

#### REQUISITION BY MEDICAL PRACTITIONER OR JUSTICE OF THE PEACE.

Requisition for  
obtaining  
liquor for  
medical  
purposes—  
particulars to  
be stated.

25.—(1) No holder of a tavern or shop license and no druggist shall sell or give, or supply liquor to any person upon the requisition of a medical practitioner or justice of the peace unless such requisition is dated and addressed to him by name and states the kind and quantity of liquor and the purpose for which it is to be supplied and the name and address of the person to whom it is to be delivered, and if such person is not the person for whose use the liquor is to be procured, then the name and address of such last mentioned person.

Liability for  
giving  
improper  
requisition.

(2) Every medical practitioner or justice of the peace who shall give any such requisition without stating therein the particulars required by the preceding subsection shall be guilty of an offence against this Act and shall incur the penalties provided by section 74 of *The Liquor License Act*.

Liability for  
acting on  
improper  
requisition.

(3) Every holder of a tavern or shop license and every druggist who sells or supplies liquor to any person upon any such requisition in violation of sub-section 1 of this section shall be guilty of an offence against this Act and shall incur the same penalties as if such liquor had been sold or supplied without the requisition of a duly qualified medical practitioner or justice of the peace.

Requisition to  
be filed and be  
open to  
inspection.

(4) Every requisition given under *The Liquor License Act* by a medical practitioner or justice of the peace shall be filed by the holder of a tavern or shop license or druggist to whom the same is delivered and shall at all times be open to inspection by the Inspector or by any Officer appointed by the Minister who produces the written authority of the Minister appointing him or directing such inspection.

Rev. Stat.  
c. 245, s. 74,  
amended.

(5) Section 74 of *The Liquor License Act* is amended by striking out the words "from a chemist or druggist" in the fourth line of the said section.



## FRAUD IN SALE OF LIQUOR.

26.—(1) Bottled liquors procured by the keeper of a licensed tavern for the purpose of supplying the same to customers or guests shall be kept while on the licensed premises in the bottles in which such liquors are delivered to such keeper and in no case shall any other liquor or any substance or liquid be put into any such bottle and no bottle after being emptied of such bottled liquor shall be refilled either partially or wholly by the keeper of such licensed premises or any other person on his behalf for the purpose of supplying liquor or any substance or liquid to any customer or guest.

Bottled liquors, not to be mixed in the bottle, and bottles not to be refilled by licensee.

(2) No holder of a tavern or shop license shall use or permit to be used any sign or label upon any bottle, cask or other vessel in which liquor is kept for sale upon the licensed premises, which does not correctly and truly state the nature of the contents of such bottle, cask or other vessel, or which is in any manner calculated to mislead a customer or guest as to the nature, description or quality of such contents.

Use of false labels, etc., prohibited.

(3) No holder of a tavern or shop license or any other person shall for any purpose whatsoever mix or permit to cause to be mixed with any liquor sold or supplied by him on the licensed premises as a beverage any drug or any form of methylic alcohol or any crude unrectified or impure form of ethylic alcohol or other deleterious substance or liquid.

Mixture of drugs, etc., with liquor prohibited.

(4) Any person violating any of the foregoing provisions of this section shall be liable upon conviction for a first offence to a fine of not less than \$20 and not more than \$50 besides costs or to imprisonment for a period of three months, and upon conviction for a second offence to a fine of not less than \$50 nor more than \$100 or to imprisonment for a period of six months, and upon conviction for a third offence to imprisonment for a period of twelve months.

Penalties.

(5) The Inspector or any special officer appointed by the Minister may at any time take from the liquors kept by the holder of a tavern or shop license upon the licensed premises sufficient thereof for the purpose of analysis to ascertain whether or not any of the provisions of this section have been violated, and such special officer shall, if required before taking such liquor, produce the authority under which he acts in writing signed or purporting to be signed by the Minister.

Taking samples to see that law observed.

(6) Section 130 of *The Liquor License Act* shall apply as to every Inspector or special officer acting under the provisions of this section.

Powers of inspectors.

## SUSPENSION OF LICENSE IN CASE OF FIRE.

Suspension of  
license when  
premises  
destroyed by  
fire, etc.

27. In case the premises for which any tavern license has been granted are destroyed or so damaged by fire or otherwise, that it is impossible for the holder of such license to provide the accommodation required by *The Liquor License Act* or by any by-law or regulation in force in the municipality in which such premises are situate, the license for such premises shall *ipso facto* be suspended and be of no force or effect as to the premises so destroyed or damaged until the Inspector has reported to the Board that the said premises have been rebuilt or repaired to the extent necessary to provide such accommodation. Provided that in any such case a portion of the share received by the Province of the license fee paid by the holder of such license may be refunded to him out of the Consolidated Revenue Fund of the Province, but nothing herein contained shall prevent the transfer or removal of such license in the manner provided by *The Liquor License Act*.

Proviso.

Rev. Stat.  
c. 245.

## LICENSES TO CLUBS.

Clubs not to  
sell without a  
license.

28.—(1) No liquor shall be sold or supplied by any incorporated society, association or club heretofore or hereafter formed, or by any member, officer or servant thereof, to any member of such society, association or club, or to any other person unless and until a license for the sale of liquor by such society, association or club has been duly issued as hereinafter provided.

Fee for club  
license.

(2) A license to be known as a "Club License" shall upon application therefor be issued at any time by the Board to any such society, association or club which is not by its charter of incorporation or otherwise prohibited from selling liquor to the members thereof, upon payment of a fee of \$50, and such license shall remain in force until the 30th day of April then next ensuing, but the provisions of this Act and *The Liquor License Act*, not expressly applicable to such societies, associations or clubs, shall not apply thereto.

Liquor not to  
be sold to non-  
members or  
minors.

(3) Nothing in this Act contained shall authorize the sale of liquor upon the premises of any such society, association or club to any person who is not a member thereof, nor to any person who is not of the full age of twenty-one years.

Licenses not  
to be granted  
when sale  
prohibited by  
charter.

(4) No license shall be granted under this section to any society, association or club which is prohibited by *The Liquor License Act*, or by its charter of incorporation, or otherwise, from selling or supplying liquor to the members thereof.

## CONTRACTS.

Licenses not  
to enter into  
contracts re-  
stricting pur-  
chase of  
liquor.

29.—(1) No holder of a license for the sale of liquor by retail in a tavern or shop shall hereafter, in consideration of an advance of money or other financial assistance to such license holder, make or enter into, directly

or

or indirectly, or be or become a party to, any contract, covenant, agreement, undertaking, stipulation or bargain written or verbal which has the effect of imposing or is intended or purports to impose any restriction whatsoever upon such license holder as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in such tavern or shop.

(2) Every covenant, contract, agreement, undertaking, stipulation or bargain, written or verbal, hereafter entered into by the holder of a tavern or shop license or by any other person acting for or on his behalf with any brewer, distiller, manufacturer or wholesale merchant which has the effect of imposing or is intended or purports to impose upon any such license holder any restriction whatsoever as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in any tavern or shop shall be absolutely void and of no effect to all intents and purposes whatsoever.

Contracts restricting purchase to be void.

(3) Every holder of a tavern or shop license, and every brewer, distiller, manufacturer or wholesale merchant who either by himself or by any person acting on his behalf hereafter gives or enters into or demands or requires or requests any other person to give or enter into any such covenant, contract, agreement, undertaking, stipulation or bargain, shall be guilty of an offence against this Act, and shall incur a penalty of \$500, besides costs.

Penalty.

(4) Nothing in this section contained shall in any way affect any covenant, contract, agreement, undertaking, stipulation, or bargain heretofore entered into by a license holder or hereafter entered into by a transferee of any license, where at the time of the passing of this Act the then holder of the license in question was indebted to any brewer, distiller, manufacturer, or wholesale merchant for money advanced, and the amount of such indebtedness or any part thereof is assumed by such transferee at the time of the transfer of the license.

Certain contracts not affected.

#### INFORMALITIES IN CONVICTIONS, ETC.

30. *The Liquor License Act* is amended by inserting therein the following section:

Rev. Stat. c. 245, amended.

105.—(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice or Justices who made or signed the same, and provided there is evidence to prove such offence, and no greater penalty or punishment is imposed than is authorized by this Act.

Conviction not void for certain defects.

May be  
amended.

(2) Upon any application to quash such conviction, or warrant enforcing the same, or other process or proceeding whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

#### SELLING TO UNLICENSED PERSONS FOR RESALE.

Rev. Stat.  
c. 245, s. 64,  
subs. 3  
repealed.

31. Subsection 3 of section 64 of *The Liquor License Act* is repealed.

#### WHOLESALE LICENSES.

Rev. Sta.  
c. 245, s. 34,  
subs. 1  
repealed.  
Issue of  
wholesale  
licenses.

32. Subsection 1 of section 34 of *The Liquor License Act* is repealed, and the following substituted therefor:

34.—(1) Wholesale licenses may be issued in any municipality at any time during the year, by the Minister, upon a written requisition therefor signed by the applicant, and after payment to the Provincial Treasurer for the uses of the Province of the proper duty thereon. Every such license shall be issued in such form as the Lieutenant-Governor in Council may direct, and may be transferred or otherwise dealt with as may be provided by regulations of the Lieutenant-Governor in Council.

#### PROHIBITING SALE TO INEBRIATE.

Rev. Stat.  
c. 245, s. 125,  
repealed.

33. Section 125 of *The Liquor License Act* is repealed and the following section substituted therefor:

Husband,  
wife, etc., may  
notify sellers  
of liquor not  
to furnish to  
any person  
addicted to  
drinking.

125.—(1) The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer, of any person who has the habit of drinking liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice in writing, signed by him, or may require the Inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, liquor of any kind, not to deliver liquor to the person having such habit.

Form of notice.

(2) The notice given under subsection 1 of this section may be in the form or to the effect following:

NOTICE



## NOTICE.

Given under section 125 of *The Liquor License Act*.

To A. B., (*Insert name of licensed dealer*).

I, (*Name of the person giving notice*), License Inspector, (or wife, or as the case may be of the person hereinafter named) of the \_\_\_\_\_ of \_\_\_\_\_, in the county of \_\_\_\_\_, hereby notify you not to deliver liquor to \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_, being a person who has the habit of drinking liquor to excess.

Take notice that in the contravention of this prohibition, or in case you suffer or permit the said \_\_\_\_\_ to linger or loiter in the bar room or other place upon your premises in which liquor is dispensed, you will incur the penalties provided by section 125 of *The Liquor License Act*.

C. D.,

(*Signature of the person giving notice.*)

Dated at  
this \_\_\_\_\_

day of \_\_\_\_\_

A. D. 190 \_\_\_\_\_

(3) The Inspector or other person giving notice under subsection 1 of this section shall forthwith give notice to the person having such habit in the form or to the effect following: Notice to be given to person having the habit of drinking to excess.

## NOTICE.

Given under section 125 of *The Liquor License Act*.

To E. F., (*Insert name of the person having habit of drinking to excess*).

I, (*Name of person giving notice*), License Inspector, (or other occupation), of the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_, hereby notify you, that I have this day given notice to the license holders of the license district of \_\_\_\_\_, in the County of \_\_\_\_\_ (or to any particular license holder or other person, naming him) not to deliver liquor to you, you having the habit of drinking liquor to excess.

Take notice that should you directly or indirectly purchase or procure or attempt to purchase or procure liquor upon the premises of any of the said licenseholders (or upon the premises of the said \_\_\_\_\_, naming the particular licenseholder or other person notified) or be found lingering or loitering in or about the bar room or other place in which liquor is dispensed, upon such premises you will incur the penalties provided by section 125 of *The Liquor License Act*.

C. D.,

(*Signature of the person giving notice.*)

(4) Proof of the mailing of a registered letter containing any notice given under this section and addressed to the person notified at his proper post office address shall be conclusive evidence of the service of such notice. Proof of service

(5) If any person so notified not to deliver liquor as aforesaid within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a duly qualified medical practitioner, delivers, Penalty for delivering liquor after notice.

or

or in or from any building, booth or place occupied by him, and wherein and wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, he shall incur upon conviction a penalty not exceeding \$50, and the person giving or requiring the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than \$20 nor more than \$500, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence.

Penalty for  
permitting  
person named  
to loiter in  
bar-room, etc.

(6) If any keeper of a licensed tavern shall after service upon him of a notice under this section suffer or permit the person named in such notice as having the habit of drinking liquor to excess, to loiter or linger in or about the bar-room or other place in which liquor is dispensed, upon the licensed premises, such keeper shall incur a penalty of not less than \$10 nor more than \$20.

Penalty for  
person named  
attempting to  
procure or  
loitering in  
bar-room.

(7) If the person having such habit by himself or by any other person shall within twelve months after service of such notice, purchase or procure or attempt to purchase or procure liquor, or shall be found lingering or loitering in or about the bar-room or other place in which liquor is dispensed, upon the premises of any person named or mentioned in such notice, he shall incur a penalty of not less than \$10 nor more than \$20, or imprisonment for a period not exceeding one month.

Penalty for  
person with  
knowledge of  
notice deliver-  
ing liquor to  
person named.

(8) After service of the said notice if any other person with a knowledge of such notice gives, sells, purchases for or on behalf of the person with regard to whom the said notice has been served, or for his or her use any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than \$25 and not exceeding \$50.

#### NUMBER OF LICENSES IN CERTAIN COUNTY TOWNS.

Rev. Stat.  
c. 245, s. 21,  
subs. 1, cl. d,  
amended.

34. The clause lettered "d" in subsection 1 of section 18 of *The Liquor License Act* is amended by adding thereto the following proviso:

Number of  
licenses in  
county towns  
of 2,500 or less.

Provided that in any such county town the number of licenses which may be issued shall not be reduced by reason of any increase of the population of such town above the number of 2,500.

#### ACT INCORPORATED WITH R.S.O. C. 245.

Act to be read  
with Rev. Stat.  
c. 245.

35. This Act shall be incorporated with and shall be read as part of *The Liquor License Act*.

SCHEDULE A.

## SCHEDULE A.

## CANADA.

## PROVINCE OF ONTARIO.

This is to certify that \_\_\_\_\_ of the  
\_\_\_\_\_ having paid into the License Fund  
of \_\_\_\_\_ the statutory duty of two dollars,  
is hereby authorized to act as a bar tender within the License Dis-  
trict of \_\_\_\_\_ for the current license  
year of \_\_\_\_\_ subject to the provisions of the law in that behalf.  
This license shall expire on the last day of April next ensuing.

Dated this

day of .

A.D.,

*License Inspector*  
*for the License District of*

## CHAPTER 48.

An Act to amend The Act to Prevent Fraud in the  
Manufacture of Cheese and Butter.*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 8 of Chapter 251 of the Revised Statutes of Ontario, 1897, is amended by adding the following clause :

Rev. Stat.,  
c. 251, s. 8,  
amended.

Dairies etc.,  
not to be kept  
in unclean or  
unsanitary  
condition.

(a) No person supplying milk or cream to a cheese factory or creamery shall keep his dairy, milk house, milk stand, or any vessels or equipment used for the storing or the carrying of milk or cream, in an unclean or unsanitary condition.

Cheese factor-  
ies, etc., to be  
kept clean and  
sanitary.

2. Every cheese factory and creamery manufacturing butter or cheese for public use or sale, and the surroundings of every such cheese factory and creamery shall be kept in a clean and sanitary condition, and all the water used therein for the manufacture of any dairy products must be clean and pure.

Penalty.

3. The owner or manager of any cheese factory or creamery refusing or neglecting to observe the provisions of the previous section after being warned or advised by a Dairy Inspector, shall, upon conviction thereof before any Justice or Justices of the Peace, forfeit and pay a sum of not less than \$50 nor more than \$200, together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to be committed to the common gaol of the county with hard labor for a period not exceeding six months.

Appointment  
of inspectors.

4. Upon the recommendation of the Minister of Agriculture, the Lieutenant-Governor in Council may appoint one or more persons as inspectors for the enforcing of the provisions of

this



this Act, who shall be known as Dairy Inspectors. The Lieutenant-Governor in Council may determine the remuneration to be paid to such inspectors.

5. All dairy inspectors appointed under this Act shall have free access and admission to all cheese factories and creameries located within the Province and to all the lands adjoining the same, and to the premises of all persons supplying milk or cream to any cheese factory or creamery, and any person refusing admission to the same or offering obstruction to the work of inspection shall be subject to the penalties provided in section 9 of *The Act to prevent Fraud in the Manufacture of Cheese and Butter*. <sup>Powers of inspectors.</sup>

6. Every inspector appointed under this Act shall make such reports and in such form as the Minister may direct. <sup>Report of inspector.</sup>

## CHAPTER 49.

An Act to amend The Act to preserve the Forests  
from destruction by Fire.

*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Rev. Stat., c.  
267, amended.

1. *The Act to preserve the Forests from destruction by Fire* is amended by adding thereto the following section:

Minister of  
Lands, Forests  
and Mines may  
appoint Fire  
Rangers on  
railway con-  
struction work.

17. During the construction of any railway passing through any of the Public Forests whether under Timber License or not, the Minister of Lands, Forests and Mines may appoint as many Fire Rangers as he may see fit, whose duty it shall be to enforce the provisions and requirements of this Act along and adjacent to the line of construction of such railway, and the expenses incident to and connected with such fire ranging shall be a debt due to the Crown from the railway company concerned, payable upon demand of the Minister of Lands, Forests and Mines, and may be recovered at the suit of the Crown in any court of competent jurisdiction.

## CHAPTER 50.

An Act to amend The Act to Prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Act to Prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells*, is amended by striking out the words "round seasoned wooden plug, at least three feet in length, equal in diameter to the diameter of the well below the casing" in the seventh eighth and ninth lines thereof, and substituting therefor the words: Rev. Stat.,  
c 277, s. 2  
amended.

"Round plug in the form of a hollow tube of rubber not less than three feet in length and equal in diameter to the diameter of the well below the casing, and containing a tapering hard wood centre or mandrel of equal or nearly equal length and suitable diameter capable of being driven into the said plug or tube so as to wedge the same tightly against the wall of the well."

## CHAPTER 51.

## An Act for the Suppression of Foul Brood among Bees.

*Assented to 14th May, 1906.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be known as "*The Foul Brood Act.*"

Appointment  
of Inspector of  
apiaries.

2. The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time appoint one or more Inspectors of Apiaries to enforce this Act, and the Inspector shall, if so required, produce the certificate of his appointment on entering upon any premises in the discharge of his duties. And the Minister shall instruct and control each Inspector in the carrying out of the provisions of this Act. The remuneration to be paid to any Inspector under this Act shall be determined by order of the Lieutenant-Governor in Council.

Duties of  
inspectors.

3. The Inspector shall, whenever so directed by the Minister of Agriculture, visit without unnecessary delay any locality in the Province of Ontario and there examine any apiary or apiaries to which the said Minister may direct him, and ascertain whether or not the disease known as "foul brood" exists in such apiary or apiaries, and wherever the said inspector is satisfied of the existence of foul brood in its virulent or malignant type, it shall be the duty of the Inspector to order all colonies so affected, together with the hives occupied by them, and the contents of such hives, and all tainted appurtenances that cannot be disinfected, to be immediately destroyed by fire under the personal direction and superintendence of the said Inspector; but where the Inspector, who shall be the sole judge thereof, is satisfied that the disease exists, but only in milder types and in its incipient stages, and is being or may be treated successfully, and the Inspector has reason to believe that it

may



may be entirely cured, then the Inspector may, in his discretion, omit to destroy or order the destruction of the colonies and hives in which the disease exists.

4. The Inspector shall have full power, in his discretion, to order any owner or possessor of bees dwelling in box-hives, in apiaries where the disease exists (being mere boxes without frames), to transfer such bees to movable frame hives within a specified time, and in default of such transfer, the Inspector may destroy, or order the destruction of, such box hives and the bees dwelling therein.

5. Any owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, who knowingly sells or barter or gives away such diseased colonies or infected appliances, shall on conviction thereof, before any Justice of the Peace, be liable to a fine of not less than \$50 or more than \$100, or to imprisonment for any term not exceeding two months.

6. Any person whose bees have been destroyed or treated for foul brood, who sells or offers for sale any bees, hives or appurtenances of any kind, after such destruction or treatment, and before being authorized by the Inspector so to do, or who exposes in his bee-yard, or elsewhere, any infected comb, honey, or other infected thing, or conceals the fact that said disease exists among his bees, shall, on conviction before a Justice of the Peace, be liable to a fine of not less than \$20 and not more than \$50, or to imprisonment for a term not exceeding two months, and not less than one month.

7. Any owner or possessor of bees who refuses to allow the Inspector to freely examine said bees, or the premises in which they are kept, or who refuses to destroy the infected bees and appurtenances, or to permit them to be destroyed when so directed by the Inspector, may, on the complaint of the Inspector, be summoned before a Justice of the Peace, and, on conviction, shall be liable to a fine of not less than \$25 and not more than \$50 for the first offence, and not less than \$50 and not more than \$100 for the second and any subsequent offence, and the said Justice of the Peace shall make an order directing the said owner and possessor forthwith to carry out the directions of the Inspector.

8. Where an owner or possessor of bees disobeys the directions of the said Inspector, or offers resistance to, or obstructs the said Inspector, a Justice of the Peace may, upon the complaint of the said Inspector, cause a sufficient number of special constables to be sworn in, and such special constables shall, under the directions of the Inspector, proceed to the premises of such owner or possessor and assist the Inspector

Inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the said Inspector or constables may arrest the said owner or possessor and bring him before a Justice of the Peace to be dealt with according to the provisions of the preceding section of this Act.

Inspector to inform offender of provisions of Act.

9. Before proceeding against any person before a Justice of the Peace, the said Inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to such person.

Person aware of disease to notify Minister.

10. Every bee-keeper or other person who is aware of the existence of foul brood, either in his own apiary or elsewhere, shall immediately notify the Minister of the existence of such disease, and in default of so doing shall on summary conviction before a Justice of the Peace be liable to a fine of \$5 and costs.

Inspectors to report to Minister.

11. Each inspector shall report to the Minister as to the inspection of any apiary in such form and manner as the Minister may direct, and all reports shall be filed in the Department of Agriculture, and shall be made public as the Minister may direct or upon order of the Legislative Assembly.

Rev. Stat. c. 283 repealed.

12. Chapter 283 of the Revised Statutes of Ontario, 1897, intituled *An Act for the Suppression of Foul Brood among Bees*, is repealed.

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## CHAPTER 52.

An Act respecting the Department of Education.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Department of Education Act*. Short title.

2.—(1) There shall continue to be a Department of Education which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor; and one of the said Executive Council or of such committee, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." Department of Education continued

(2) The Lieutenant-Governor in Council may appoint a Superintendent of Education, who shall hold office during pleasure, and who shall be paid such salary as shall be from time to time appropriated for that purpose. Superintendent of Education.

3. Subject to any statute in that behalf the Department of Education shall have the management and control of the following, namely: Kindergartens, Public and Separate Schools, High Schools and Collegiate Institutes, Art Schools, Model Schools, Normal Schools, Ontario Normal College, Teachers' Institutes, Public Libraries, Continuation Classes, Technical Schools, Manual Training Departments, Household Science Departments, Night Schools, School Gardens, the Brantford Institute for the Blind, and the Belleville Institute for the Deaf and Dumb; with power to appoint such inspectors, teachers and other officers for instruction and supervision as may be deemed expedient. The Department of Education may also appoint a Registrar of the Advisory Council of Education. Jurisdiction of the Department.

Power to make Regulations

4. The Department of Education shall have power, subject to the provisions of any Statute in that behalf, to make regulations:—

Classification and government of schools

(1) For the classification, organization, government, courses of study, and examination of all schools, Continuation Classes, Manual Training Departments, Household Science Departments, School Gardens, and Institutes hereinbefore mentioned, and for the equipment of school-houses and the arrangement of school premises and for determining the fees to be paid by candidates and to presiding officers at departmental examinations;

Text-books and books of reference.

(2) For the authorization of text-books for the use of pupils and of teachers in training attending such Schools, Continuation Classes, Departments, School Gardens, and Institutes, and for the selection of books of reference for the use of teachers and pupils and for the management of public and school libraries;

Qualification and duties of inspectors, teachers, etc.

(3) For determining the qualification and duties of inspectors, examiners and teachers of such Schools, Continuation Classes, Departments, School Gardens and Institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose, and for prescribing the duties of the presiding officers at the examinations;

Superannuation—distribution of legislative grant.

(4) For the payment of the allowances of superannuated inspectors and teachers, and the distribution of all moneys set apart by the Legislative Assembly for educational purposes, including sums appropriated for the maintenance of cadet corps, and grants to Historical Societies and Literary and Scientific Institutions;

Extending certificates.

(5) For extending on such evidence as to efficiency as may be deemed necessary, any certificate issued under the authority of *The Public Schools Act*;

Affiliating high schools, etc., with normal schools.

(6) For affiliating with the Ontario Normal College or the Normal Schools, such High Schools or Collegiate Institutes or Public Schools as may be necessary for practical instruction in the art of teaching;

Accepting examinations of normal schools, etc., in British Dominions.

(7) For accepting, on the recommendation of the Advisory Council constituted under this Act, in lieu of the departmental non-professional examinations, the examination of any normal school or of any university in the British Dominions; and for accepting such evidence of professional scholarship, training, or experience, as may be deemed equivalent to what is prescribed for teachers' certificates;

Setting apart separate schools for model school purposes.

(8) For setting apart a separate school in any city or county as a model school for the training of teachers for separate schools, and in such case, appointing a competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such city or county in addition to the number now authorized;



(9) For the conduct of the business of the Advisory Council of Education hereinafter mentioned.

Conduct of  
business of  
advisory  
council

#### ADVISORY COUNCIL OF EDUCATION.

5. There shall be established an Advisory Council of Education composed of twenty members as follows:—

Advisory  
Council of  
Education  
established

- (a) The President of the University of Toronto for the time being, who shall be chairman *ex-officio* of the said council.
- (b) The Superintendent of Education for Ontario who shall, subject to the direction of the Minister of Education, represent such Minister on the said council, but shall have no vote thereon.
- (c) Three additional members representing the University of Toronto, to be elected by the Senate of the University.
- (d) Four members representing, respectively, Queen's University, McMaster University, Ottawa University and The Western University, one to be elected by the Senate of each University.
- (e) Two members elected by and representing the high school teachers of Ontario.
- (f) Four members elected by and representing the public school teachers of Ontario.
- (g) One member elected by and representing the separate school teachers of Ontario.
- (h) And two members elected by and representing the public school inspectors of Ontario.
- (i) And two members representing the school trustees of the Province.

6.—(1) The said Advisory Council of Education shall be a consultative committee to confer with the Minister of Education on such subjects as he may submit to it from time to time. Such subjects may include the departmental regulations affecting the courses of study and the textbooks for all classes of provincial schools, continuation classes, manual training departments, household science departments and school gardens, the qualifications of teachers and inspectors, and the departmental examinations.

To be a  
consultative  
committee

(2) The said Advisory Council shall exercise such executive powers in connection with the appointment of examiners and associate examiners for the annual departmental and university matriculation examinations, and the conduct of

Powers of  
Advisory  
Council

of

of such examinations and the settlement of the results thereof as may be conferred upon it by the Department of Education and the Senate of the University of Toronto, respectively. But if the said Council shall fail or neglect to perform any of the duties required of it under this subsection, then such duties may be performed by the Department of Education.

Regulating  
conduct of  
business.

(3) The said Advisory Council shall also have power to make rules and regulations for the conduct of its own business, subject, however, to the regulations in that behalf of the Department of Education.

Certain persons  
disqualified  
from being  
members.

7. No person shall be elected or shall sit or vote as a member of the Advisory Council of Education who is directly or indirectly financially interested either as principal or agent or otherwise in the publication, authorization or sale of any text-book or other book, or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the management or control of the Department of Education, and any member of the said Advisory Council who is or becomes financially interested as aforesaid shall *ipso facto* vacate his office.

How meetings  
to be called.

8. The first meeting of the said Advisory Council after its first general election of members, and the first meeting thereof in each year thereafter, shall be called by the Minister of Education, who shall also have power to call a special meeting of the said council at any time. Such other meetings as may be necessary for the transaction of the business of the said council shall be called by the chairman.

Qualification  
of members.

9.—(1) Each representative of a university on the said council shall be a member of the senate of such university, and each of the other elected members of the said council shall be a member of the electing body which he or she represents, and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of  
representatives  
of Universities.

(2) At any election of a representative or representatives of a university each member of the senate thereof shall have the right to vote. In other respects each senate shall elect its representatives in such manner as the members thereof deem expedient.

Election by  
teachers and  
inspectors.

(3) The representatives of the high, public and separate school teachers, and of the public school inspectors, shall, respectively, be elected by closed ballot, as provided in this Act.

Triennial  
elections.

10.—(1) There shall be a general election of all members of the said council who require to be elected, in the year  
1906,

1906, and in every third year thereafter in accordance with the provisions contained in this Act. Each member so elected shall hold office for the term of three years, and until his successor is elected, subject, however, to the provisions of this Act respecting members being disqualified or vacating their office.

(2) All retiring members of the said council, who retain their qualification, shall be eligible for re-election. Eligible\*for re-election.]

11.—(1) Every teacher who holds a permanent certificate of qualification granted by the Department of Education, and who is engaged in teaching in a school for which such permanent certificate qualifies said teacher when the inspector concerned makes out a list of qualified voters of the electing body of which such teacher is a member, as required by this Act, shall be qualified to vote at the election of a representative or representatives of such electing body. What teachers may vote.

(2) Every public school inspector who is in office when the Registrar of the Advisory Council makes out the list of inspectors qualified to vote for representatives of public school inspectors, as required by this Act, shall be qualified to vote at any election of such representatives. What inspectors may vote.

(3) No teacher or inspector shall be entitled to vote at any election under this Act who does not possess the qualification herein prescribed for such teacher or inspector. Teacher or inspector not to vote, unless qualified.

12. The Registrar of the said Advisory Council shall perform the duties required of him by this Act and such other duties as the Department of Education or the Minister of Education may require. Registrar's duties.

One of such duties shall be to enter alphabetically in separate registers the names with the post office addresses of all persons belonging to each body of electors (except University Senates) entitled to elect representatives under this Act, one register for each of such bodies; and such entries shall be made for each general election as soon as possible after receipt of the respective lists of qualified electors from the various inspectors as hereinafter provided and shall be completed before the third Wednesday in October of the year in which the election is held.

13.—(1) For the purpose of the elections aforesaid of the representatives of the respective bodies of teachers, the high, public and separate school inspectors on or before the first Wednesday of October in each year in which an election to the said council is to be held, shall respectively furnish the Registrar of the said Advisory Council a list of names of all teachers in the schools over which they respectively have jurisdiction who are entitled to vote Voters lists.  
under

under this Act with their post office addresses as last known. On or before the same date the Registrar of the said Advisory Council shall prepare a list of the public school inspectors who are entitled to vote under this Act.

Vacancy in  
office of in-  
spector or  
registrar.

(2) If in any case by reason of vacancy of office, illness, absence or any other cause there is no inspector or Registrar to furnish any of such lists the Minister of Education may require any competent person to furnish the same.

Nominations  
of candidates.

14.—(1) No teacher or inspector shall be elected to the said Advisory Council who has not been nominated in writing signed by at least six of the persons who are entitled to vote under this Act as a member of the electing body to which such teacher or inspector belongs.

Nomination  
papers.

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar of the said Advisory Council not later than 4 o'clock in the afternoon on the first Wednesday of October in the year in which the election is to be held and not earlier than two weeks prior to such date. Nomination papers received by the Registrar by post within the time aforesaid shall be deemed to be duly delivered to him.

Invalid nomi-  
nation papers.

(3) Any nomination paper which does not comply with the provisions of this section shall be null and void.

Election by  
acclamation.

15. In case the number of candidates duly nominated as aforesaid does not exceed the number of representatives to be elected in any case, the person or persons so nominated shall be deemed elected and the Registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister of Education.

Proceedings  
when vote  
to be taken.

16.—(1) When a greater number of candidates in any case are duly nominated as aforesaid than the number of representatives to be elected by any electing body, then an election shall be held and the registrar of the said council shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, which may be in the form set forth in the schedule to this Act, to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates duly nominated as aforesaid. The voting shall be limited to the candidates named in the said list.

Elector may  
vote once only  
for any  
candidate.

(2) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to



to represent the electing body to which the voter belongs but may not give more than one vote to any one candidate.

(3) In case a voting paper is accidentally so damaged as to be unfit for use the person to whom it was sent by the registrar may return it to him and obtain another to be used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned damaged as aforesaid. Damaged voting paper.

17.—(1) The votes at an election of representatives of High, Public, and Separate School teachers and Public School inspectors respectively shall be given by closed voting papers, and such voting paper shall be delivered to the Registrar of the Council between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting papers received by the Registrar by post at any hour within the dates aforesaid before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him for the purpose of the election. Mode of election to the council.

(2) The voting papers shall, upon the Thursday after the first Wednesday of November, at ten o'clock in the forenoon be opened by the Registrar with such assistance as the Minister of Education may deem necessary in presence of the scrutineers to be appointed as hereinafter mentioned, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister of Education. Any duly qualified candidate at the election may be present at the opening of the voting papers. No voting paper shall be counted which has not been furnished by the Registrar. Opening of ballot papers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or, in default, the President of the University of Toronto, shall appoint two persons, who, with a person appointed by the Minister of Education for this purpose, shall act as scrutineers at the elections. Appointment of scrutineers.

(4) In the event of an elector placing more names upon his or her voting paper than there are representatives to be elected by the electing body to which such elector belongs the first name or names, making the number for whom the said elector was entitled to vote, shall be counted and no other. What votes to be counted.

(5) In the event of an elector placing upon his voting paper any name or names of persons who were not qualified candidates the vote in favor of any qualified candidate who is properly voted for shall not thereby be invalidated. Elector voting for persons not candidates.

Such

Such voting paper shall be acted upon as if the name or names of the person or persons who were not qualified candidates had not been placed in such voting paper.

Declaration of results.

(6) Upon the completion of the counting of the votes and of the scrutiny, the Registrar of the Council shall declare elected as a member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith thereafter report the same in writing, signed by himself and by the scrutineers, to the Minister of Education.

Equality of votes.

(7) In case of an equality of votes for two or more candidates which leaves the election of one or more members of the Council undecided, then the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be deemed elected to the said council.

Date of University election.

18. Representatives of the said Universities shall be elected on or before the first Wednesday in November of any year in which a general election of members of said Council is to be held under this Act, and notification of the names of the person or persons elected shall be sent forthwith to the Minister of Education by the Registrars of the Universities respectively.

Default of election.

19.—(1) In case default shall be made in the election of a representative or of the required number of representatives of any of the said Universities or of any of the respective bodies authorized to elect representatives to the said Advisory Council, at the time prescribed therefor by this Act, the Lieutenant-Governor in Council may appoint a member or members to fill the office or offices so left vacant, provided, however, that every person so appointed shall be a properly qualified member of the body such person is to represent on the said Council.

Vacancies in University representation, how filled.

(2) In case the office of a representative of any of the said Universities on the said Council is vacated for any cause before the expiration of his term of office, the Senate of such University shall elect another representative qualified according to the provisions of this Act to fill such vacancy as soon after such vacancy occurs as may be convenient, and if such vacancy is not filled in manner aforesaid within one month after it occurs the Lieuten-

ant

ant-Governor in Council may appoint a member of such University to fill such vacancy.

In case any member of the said Council representing the Public School Inspectors or one of the said bodies of teachers shall vacate his or her office from any cause before the expiry of the term for which he or she was elected, the defeated candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, and who is still willing to accept the office, shall forthwith become a member of the said Council in place of and for the remainder of the unexpired term of the former representative so vacating his office as aforesaid, and as soon as convenient shall be notified by the Minister of Education that he has become a member of the said Advisory Council.

Vacancies in representation of teachers or inspectors, how filled.

If a further vacancy occurs in the representation of the same electing body, the defeated candidate at the last preceding election who received the second or next highest number of votes, and who is still willing to accept office, shall become a member of the said Council to fill such vacancy, and shall be notified by the Minister of Education to that effect as hereinbefore provided.

(4) If by reason of two or more of such defeated candidates in either of such cases having received an equal number of votes, the question of filling any vacancy cannot be decided in manner aforesaid, then such question shall be decided by chance in the manner provided by subsection 7 of section 17 of this Act.

Equality of votes in such cases.

(5) If in any such case there is no such defeated candidate to fill such vacancy or none still willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, then the vacancy may be filled by the Lieutenant-Governor in Council by the appointment to the said Advisory Council of a properly qualified member of the body to be represented.

When vacancy may be filled by Lieutenant-Governor in Council.

20. Notwithstanding any of the provisions hereinafter contained, the members of the said Advisory Council representing the school trustees of the Province, shall be elected, each for a term of three years, by the members of the trustee section of the Ontario Educational Association at any annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of the said trustee section shall deem expedient. Any vacancy occurring at any time in such representation may be filled at the next annual meeting of the said association.

Election and term of office of representatives of trustees.

The Lieutenant-Governor in Council may appoint two representatives of the said school trustees as members of the said Advisory Council to hold office until the members of the

First representatives of trustees.

the



the said trustee section hold their first election, and in case of vacancy at any time in such representation, the Lieutenant-Governor in Council may appoint a member to hold office until the said trustee section elects another representative to fill such vacancy.

Vacating  
office.

21. Any member of the Advisory Board of Education who ceases to reside in the Province of Ontario or ceases to possess the qualification upon which such member was elected as required by this Act, or becomes insane or is convicted of any felony or misdemeanor shall *ipso facto* vacate his or her office.

Continuance in  
office of educa-  
tional council.

22. Notwithstanding the provisions of this Act, the Educational Council appointed under the provisions of Section 6 of *The Education Department Act* of 1901 shall continue in office and shall discharge the prescribed duties connected with the annual departmental and matriculation examinations of 1906 until all matters connected therewith have been finally disposed of.

#### POWER AND DUTIES OF MINISTER OF EDUCATION.

Powers of  
Minister.

23. It shall be the duty of the Minister of Education and he shall have power:

Apportion-  
ment of grant

(1) To apportion all sums of money voted by the Legislative Assembly as a general grant for public and separate schools among the several cities, towns, incorporated villages and townships, except townships in the territorial districts, according to the population in each as compared with the whole population of the Province, as shewn by the last annual returns received from the municipal clerks;

Special grants.

(2) To apportion all sums of money voted by the Legislative Assembly as a special grant for rural public and separate schools among the several townships according to the population of each as compared with the population of all the townships in the Province, not including the territorial districts, according to the last annual returns received from the township clerks;

Division  
between pub-  
lic and separ-  
ate schools.

(3) To divide the total of the amounts so apportioned to each city, town, incorporated village and township between public and separate schools according to the average number of pupils attending such schools respectively, during the next preceding calendar year, or during the number of months which may have elapsed from the establishment of a new public or separate school as compared with the whole average number of pupils attending school in the same city, town, village or township;

Payment of  
grant to  
treasurer.

(4) To see that the money so apportioned to the public schools of every city, town and incorporated village is paid to



to the treasurer thereof, and that the money so apportioned to the public schools of each township is paid to the treasurer of the county in which such township is situated, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct;

(5) To direct the county inspector to distribute among the public school sections of each township under his jurisdiction, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural public schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education. All such grants shall be payable by the township treasurer to the order of the treasurer or secretary-treasurer of the board of trustees on the inspector's order. Notice of such distribution shall be given by the inspector to the trustees concerned;

Distribution of grant to rural public schools.

(6) To distribute among the separate schools of each township, subject to the Regulations of the Department of Education, all sums apportioned as aforesaid to the rural separate schools therein, on the basis of the salaries paid to the teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped as required by the Regulations of the Department of Education; to give notice of such distribution to each separate school board concerned and to pay to the board of each separate school the amount apportioned thereto as aforesaid, on or before the first day of July in each year, as the Lieutenant-Governor in Council may direct;

Distribution of grant to rural separate schools.

(7) To apportion under the provisions of such regulations as may be made by the Department of Education, all sums of money voted by the Legislative Assembly for assisting public and separate school boards in poor rural districts to pay teachers' salaries;

Apportionment of moneys for assisting poor rural school sections.

(8) To pay to the trustees of every rural school in the Territorial Districts out of any sums of money voted therefor by the Legislative Assembly, at least one hundred dollars for the full calendar year in equal half-yearly instalments on the report of the Inspector that this Act and the Regulations of the Department of Education have been complied with; and to direct the Inspector to distribute the rest of the grant, if any, amongst said schools in accordance with the regulations of the Department of Education;

Payments to trustees in territorial districts.

(9) To apportion all sums of money voted by the Legislative Assembly for high school purposes among the several high schools of the Province, subject to the regulations of the Department of Education, on the basis of the salaries

High School grant, how paid.

paid to teachers, the character of the accommodations, and the value of the equipment, after providing a minimum grant for each such school which is equipped in accordance with the Regulations of the Department of Education; and to give notice of such apportionment to the county clerk of each county, and to see that the same is paid to the high school treasurer as the Lieutenant-Governor in Council may direct;

Other grants,  
how paid.

(10) Subject to the Regulations of the Department of Education, to apportion out of any grant made by the Legislative Assembly for such purposes, all sums payable under any statute in that behalf towards the maintenance of the normal schools or other schools or institutes for the training of teachers, continuation classes, technical schools, manual training departments, household science departments, school gardens, kindergartens, night schools, public libraries, art schools, inspection of schools, the examination of teachers, and all other incidental departmental expenses; also to apportion under the provisions of such regulations as may be made by Order in Council all sums of money voted by the Legislative Assembly for aiding public and separate school boards in rural districts to furnish certain text-books free of cost.

Minister may  
submit ques-  
tions arising  
upon school  
law to High  
Court.

(11) To submit a case on any question arising under *The Public Schools Act* or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision;

Power to  
settle disputes  
and com-  
plaints.

(12) To decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer;

Power to  
appoint com-  
missioners.

(13) To appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon; to suspend or cancel for cause any certificate of qualification granted by the Education Department;

Compelling  
attendance of  
witnesses.

(14) To apply to the High Court for a writ of subpoena *ad testificandum* and also *duces tecum* upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, such writ to be directed to each person who is required thereby to attend and give evidence at such times, and places, and before such person or persons as the Minister shall appoint; and default of any person in obeying such subpoena shall be punishable as in any action or cause in the said Court;

(15) To report annually to the Lieutenant-Governor upon the condition of Education in Ontario, with such suggestions for improving it as he may deem expedient.

Annual report  
to be made by  
Minister of  
Education.

#### SPECIAL PROVISION FOR 1906.

24. Notwithstanding the provisions hereinbefore contained, all sums of money voted by the Legislative Assembly as a general grant for public and separate schools for the year 1906 shall be apportioned as if this Act had not been passed; all moneys voted by the Legislative Assembly as a special grant for rural public and separate schools for the year 1906 shall be divided among the respective townships in the Province, not including the territorial districts, in the manner set forth in subsection 2 of section 23 of this Act; the part of such special grant which is apportioned to each township shall be divided between public and separate schools therein in the manner set forth in subsection 3 of said section 23, and the part thereof which is apportioned to the public schools of such township shall, subject to the regulations of the Education Department in regard to union school sections composed of portions of different townships in the same or in different counties, be divided by the inspector equally among all the other public schools therein, and the part thereof which is apportioned to the separate schools of any township shall be divided by the Minister of Education equally among all the separate schools therein. In each township where there are no separate schools the amount of such special grant apportioned to such township for the year 1906 shall be divided by the inspector equally among all the public schools therein.

Apportionment  
of legislative  
grant in 1906.

#### SUPERINTENDENT OF EDUCATION.

25.—(1) The Superintendent of Education shall, subject to the Minister of Education and any Acts or Regulations in that behalf, have the general supervision and direction of all classes of high, public and separate schools, the technical schools, the professional training schools and examinations for teachers of the said schools, the teachers' institutes, the art schools, the school libraries, and the inspectors of the said schools, and may make recommendations to the Minister on any matter arising out of such supervision and direction.

Duties and  
powers of the  
Superintendent of Education.

(2) And the said Superintendent shall make annually to the Minister a report on the condition and requirements of the part of the Provincial system of Education under his supervision and direction.

Annual report.

26. Except as provided in sections 3 and 4 of this Act nothing in this Act contained shall be deemed, taken or construed

Powers of  
Minister as to  
separate



schools not  
affected.

construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed by the Minister of Education or the Department of Education in respect either to Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools.

#### REGULATIONS AND ORDERS IN COUNCIL.

Regulations  
and Orders in  
Council to be  
laid before the  
Legislative  
Assembly.

27.—(1) Every Regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made.

Disapproval by  
Legislative  
Assembly.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed.

#### COMMISSIONS OF ENQUIRY.

When Lieutenant-Governor in Council may order enquiry.

28.—(1) When the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into or concerning :—

(a) Any institution which is under the control or management of the Department of Education or any matter pertaining thereto;

(b) School books;

(c) Or any educational question,

Powers of  
commissioners.

The Lieutenant-Governor may, by the commission in the case, confer upon the commissioner or commissioners by whom such inquiry is to be conducted, the power of summoning before them any person or witnesses, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they are persons entitled to affirm in civil matters), and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.



(2) The commissioner or commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things, as is vested in any court in civil cases; but no person or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

Enforcing  
attendance  
before commis-  
sioners.

29. The Act passed in the first year of His Majesty's reign, chaptered 38, is hereby repealed.

1 Edw. VII.,  
c. 38 repealed

### SCHEDULE.

(Section 10, (3)).

#### FORM OF VOTING PAPER.

Advisory Council of Education.

Election,

19

I                      resident at                      , in the County of                      do  
hereby declare:

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person or persons as member or members (*as the case may be*) of the Advisory Council of Education viz.,

                    of                      in the County of                      etc.;

(3) That I have not signed any other voting paper as High, Public, or Separate School teacher, or Public School Inspector;

(4) That the voting paper was executed on the day of the date hereof;

(5) That I vote in my right as High, Public, or Separate School teacher or Public School Inspector (*as the case may be*); and

(6) That the date and number of my permanent professional certificate are

Witness my hand this                      day of                      , A.D. 19                      .

## CHAPTER 53.

## An Act to amend The Public Schools Act.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Edw. VII.  
c. 39, s. 2, par. 4  
amended.

1. Paragraph 4 of section 2 of *The Public Schools Act* is hereby amended by inserting after the word "house" in the second line thereof the words "school garden."

1 Edw. VII.  
c. 39, s. 2,  
amended.

2. Section 2 of *The Public Schools Act* is hereby amended by adding thereto the following paragraph:

"Secretary,"  
"Treasurer,"  
meaning of.

11. "Secretary" or "Treasurer" shall mean Secretary-treasurer in a school section or municipality where a secretary-treasurer is elected.

1 Edw. VII.  
c. 39, s. 8, subs. 2,  
repealed.

3. Subsection 2 of section 8 of the said Act is hereby repealed and the following substituted therefor:—

Grouping  
schools for  
continuation  
classes.

(2) The trustees of any number of public schools, or any number of public and separate schools, not situated in a high school district as defined by *The High Schools Act*, may, by mutual agreement, determine that such continuation classes shall be conducted in one of such schools for the benefit of the pupils of all of them, and in such cases the trustees of each of the said schools shall have power to provide, by additional or increased rates to be levied upon the same property upon which the other school rates are levied, for the maintenance of such continuation classes. The said agreement shall specify the proportion of the cost of maintenance to be paid by the trustees of each of said schools, or shall provide for the settlement of the same by arbitration or by such other method as they deem expedient.

1 Edw. VII.  
c. 39, s. 8,  
subs. 5,  
amended.

4. Subsection 5 of section 8 of the said Act is hereby amended by striking out the words "at the date of this Act" in the first line thereof and substituting therefor the words "on the 15th day of April, 1901," and by striking out

all

all the words in the said subsection after the word "principal" in the fourth line thereof and substituting therefor the words "or assistant after the date when this Act takes effect shall possess the qualifications prescribed by the Regulations of the Department of Education."

Qualifications  
of teachers of  
continuation  
classes.

5. Subsection 6 of said section 8 is hereby amended by adding thereto the following paragraph:—

1 Edw. VII.  
c. 39, s. 8,  
subs. 6,  
amended.

"The council of two or more counties united for municipal purposes may apportion the amount to be levied for continuation classes so that each county forming such union shall be liable only for sums payable in respect of continuation classes within such county. Where trustees of different schools situated in more than one of such united counties have joined together under subsection 2 for the conduct of continuation classes, the said council may determine the proportion to be paid by each of such counties in respect of such continuation classes."

Apportionment  
of amount to  
be raised for  
continuation  
classes in  
united coun-  
ties.

6. Subsection 2 of section 9 of the said Act is hereby amended by striking out the word "member" in the first line thereof and substituting therefor the word "number."

1 Edw. VII.  
c. 39, s. 9,  
subs. 2,  
amended.

7. Section 11 of the said Act is hereby repealed.

1 Edw. VII.  
c. 39, s. 11,  
repealed.

8. Subsection 4 of section 12 of the said Act is hereby amended by adding thereto the following words: "and to furnish annually, on or before the first day of December, to the local public school inspector, information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of union section within the township."

1 Edw. VII.  
c. 39, s. 12,  
subs. 4,  
amended.

9. Subsection 5 of section 12 of the said Act is hereby amended by striking out all the words after the word "shall" in the second line, the whole of the third, fourth and fifth lines and the first three words of the sixth line thereof, and substituting therefor the words "call the first meeting for the fourth Wednesday after the formation of such section, by causing notices to be posted in three of the most public places in the new section at least six clear days before the date when the said meeting is to be held" and by striking out the word "time" in the seventh line and substituting therefor the word "hour."

1 Edw. VII.  
c. 39, s. 12,  
subs. 5,  
amended.

10. Subsection 6 of said section 12 is hereby amended by striking out all the words in the second line after the word "elected" and the first seven words of the third line and substituting therefor the words "or the first trustee in seniority shall hold office for a term to be computed from the date of the election until the expiration of three years from

1 Edw. VII.  
c. 39, s. 12,  
subs. 6,  
amended.

from the next date fixed by this Act for holding annual meetings of ratepayers, the second shall hold office for one year less and the third for two years less than the said term, subject in all cases to the provisions of this Act respecting trustees being disqualified or vacating their offices."

1 Edw. VII.  
c. 39, s. 14, .  
subs. 4,  
amended.

Chairman of  
school meet-  
ing,—casting  
vote.

11. Subsection 4 of section 14 of the said Act is hereby amended by striking out the last four words of the second line, the whole of the third line and the first word of the fourth line, and substituting therefor the following: "He shall not vote unless there is an equality of other votes when he shall give the casting vote".

1 Edw. VII.  
c. 39, s. 15,  
subs. 2,  
amended.

Voting at  
school  
meetings.

12. Subsection 2 of section 15 of the said Act is hereby amended by inserting after the word "names" in the fourth line thereof the words "and residences" and by striking out the words "with the residence of the voter" at the end of the said subsection.

1 Edw. VII.  
c. 39, s. 15,  
subs. 3,  
repealed.

13. Subsection 3 of section 15 of the said Act is hereby repealed and the following substituted therefor:

Recording  
votes at school  
meetings.

(3) When a poll is granted on any public school question the secretary shall prepare or procure a poll-book with two separate columns marked respectively "for" and "against"; and shall opposite to such columns write the name and residence of each ratepayer voting on the said question; and shall record his vote by setting the figure '1' opposite his name in the proper column so as to show how he votes on the said question.

1 Edw. VII.  
c. 39, s. 15,  
subs. 4,  
amended.

Declaration of  
farmer's son  
voting at  
meetings.

14. The following paragraph shall be inserted immediately after the third paragraph of the declaration set forth in subsection 4 of section 15 of the said Act and shall be substituted for said third paragraph when a person claims to vote as a farmer's son: "That my father (mother, step-father or, stepmother, as the case may be) is a supporter of the public school in said school section No. —, and that I have been a resident of said section for the past six months."

1 Edw. VII.  
c. 39, s. 15,  
subs. 7,  
amended.

15. Subsection 7 of section 15 of the said Act is hereby amended by inserting after the word "election" in the third line thereof the words: "and of the name and address of the chairman of the said meeting."

1 Edw. VII.  
c. 39, s. 15,  
subs. 8,  
amended.

16. Subsection 8 of section 15 of the said Act is hereby amended by striking out all the words between the word "same" in the fifth line and the word "time" in the sixth line thereof and substituting therefor the following: "and confirm the said election or proceedings if found to be in accordance with this Act or set aside the same if found not



not to be in substantial accordance therewith, and in the latter event he shall appoint a" and by adding at the end of the said subsection the following: "and it shall not be incumbent upon the inspector to set aside such election or proceedings for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceedings has not been affected thereby."

Complaints as  
to elections.

17. Subsection 9 of section 15 of the said Act is hereby amended by adding at the end thereof the words "or the vote or proceedings upon any school question".

1 Edw. VII.  
c. 39, s. 15,  
subs. 9,  
amended.

18. Subsection 2 of section 18 of the said Act is hereby amended by inserting after the word "money" in the last line thereof the words: "in his possession, power or control."

1 Edw. VII.  
c. 39, s. 18,  
subs. 2,  
amended.

19. Subsection 2 of section 19 of the said Act is hereby amended by adding thereto the following: "such request in writing or petition and the notice calling such special meeting shall specify the objects for which such special meeting is to be held."

1 Edw. VII.  
c. 39, s. 19,  
subs. 2,  
amended.

Calling special  
meetings.

20. Section 20 of the said Act is hereby amended by striking out all the words therein after the word "thereby" in the fourth line thereof.

1 Edw. VII.  
c. 39, s. 20,  
amended.

21. Subsection 1 of section 22 is hereby repealed and the following substituted therefor:

1 Edw. VII.  
c. 39, s. 22,  
subs. 1,  
repealed.

(1) There shall be two auditors in each rural school section. One shall be elected annually by the ratepayers at the annual or a special meeting and the other shall be appointed by the school trustees on or before the first day of December in each year. In case an auditor dies or refuses or is unable to act another may be elected or appointed in his place by the same authority that elected or appointed him. But if from any cause at any time after the first day of December there are not two auditors, willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Auditors for  
rural school  
sections.

22. Subsection 1 of section 34 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.  
c. 39, s. 34,  
subs. 1,  
repealed.

34.—(1) The trustees of every rural school section, or a majority of them, shall have power to select a new school site or to agree upon a change of school site, and thereupon the trustees shall forthwith call a special meeting of the ratepayers to consider the school site selected by them; and no school site shall be adopted, or change of school

Selecting new  
site for rural  
school.

school site made, except in the manner hereinafter provided, without the consent of a majority of such special meeting.

1 Edw. VII.  
c. 39, s. 34,  
subs. 2,  
amended.

23. Subsection 2 of said section 34 is hereby amended by inserting the word "school" immediately before the word "site" in the second line thereof.

1 Edw. VII.  
c. 39, s. 35,  
subs. 2,  
amended.

24. Subsection 2 of section 35 of the said Act is hereby amended by inserting after the word "site" in the fifth line thereof the words "or required for the enlargement of the school premises."

1 Edw. VII.  
c. 39, s. 35,  
subs. 4,  
amended.

25. Subsection 4 of said section 35 is hereby amended by inserting after the word "site" in the fifth line thereof the words "or for the enlargement thereof."

1 Edw. VII.  
c. 39, s. 36,  
subs. 1,  
amended.

26. Subsection 1 of section 36 of the said Act is hereby amended by inserting after the word "site" in the first line thereof the words "or for land required for the enlargement of school premises" and by adding at the end thereof the following: "and showing that the amount of the damages has been paid or tendered as provided in the preceding section."

1 Edw. VII.  
c. 39, s. 37,  
subs. 1,  
amended.

27. Subsection 1 of section 37 of the said Act is hereby amended by striking out the word "the" in the second line thereof and substituting therefor the word "any" and by striking out all the words after the word "house" in the third line thereof and substituting therefor the words "without the consent of the owner thereof."

1 Edw. VII.  
c. 39, s. 38,  
amended.

28. Section 38 of the said Act is hereby amended by striking out all the words after "shall" in the fourth line, and the whole of the fifth and sixth lines thereof and substituting therefor the words "approach within one hundred yards of or include any garden, orchard, pleasure ground, or dwelling house without the consent of the owner thereof."

1 Edw. VII.  
c. 39, s. 45,  
amended.

29. Section 45 of the said Act is hereby amended by adding thereto the following subsections:—

School sections  
and union  
sections  
confirmed.

(2) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law in that behalf or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless, in the meantime, proceedings have been taken calling in question the legal status of such section

tion

tion and notice thereof has been given to the persons who ought, according to the practice of the Court in which the proceedings are taken, to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

(3) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or a union school section and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

Proceedings  
for formation,  
etc., validated.

(4) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of any rural school section or union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to the said matters or any or either of them or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the High Court of Justice for Ontario, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such judge shall be final and conclusive, unless special leave to appeal therefrom shall be given by the High Court or a judge thereof, and if such leave be given an appeal shall lie to the High Court upon questions of law only, upon and subject to such terms and conditions as the court or judge giving the leave shall prescribe.

Jurisdiction  
of county or  
district judge.

30. Section 48 of the said Act is hereby amended by striking out the figures "43" in the 14th line thereof and substituting therefor the figures "46."

1 Edw. VII.  
c. 39, s. 48,  
amended.

31. Subsection 1 of section 58 is hereby amended by striking out the words "after the first election of trustees" in the third line thereof and substituting therefor the words: "except as hereinafter provided."

1 Edw. VII.  
c. 39, s. 58,  
subs. 1,  
amended.

32. Subsection 2 of section 58 of the said Act is hereby amended by striking out the words "one of the trustees in each

1 Edw. VII.  
c. 39, s. 58,  
subs. 2,  
amended.

each ward" in the first line thereof and substituting therefor the words "After the first election of trustees in any ward or when from any cause the two trustees in any ward are elected simultaneously, one of them" and by striking out all the words of said subsection after the word "retire" in the sixth line thereof and substituting therefor the words: "After such first or simultaneous election one trustee shall be elected annually for each ward."

1 Edw. VII.  
c. 39, s. 59,  
subs. 1,  
amended.

**33.**—(1) Subsection 1 of section 59 of the said Act is hereby amended by striking out the words "after the first election of trustees" in the second and third lines thereof, and substituting therefor the words, "except as hereinafter provided."

1 Edw. VII.  
c. 39, s. 59,  
subs. 2,  
amended.

(2) Subsection 2 of section 59 of the said Act is hereby amended by striking out the first four words thereof and substituting therefor the following: "After the first election of trustees in any such incorporated village three of them" and by striking out the word "which" in the 6th line thereof and substituting therefor the words "such first election."

1 Edw. VII.  
c. 39, s. 60,  
subs. 6,  
amended.

**34.** Subsection 6 of section 60 of the said Act is hereby amended by inserting after the word "names" in the 7th line thereof the words "and residences" and by striking out the last six words of the said subsection.

1 Edw. VII.  
c. 39, amended.

**35.** *The Public Schools Act* is hereby amended by inserting therein immediately after section 60 thereof the following as section 60a:

Persons ex-  
empted from  
school rates  
not to vote.

**60a.** Any person exempted by the trustees of any school section from the payment of school rates wholly or in part on account of indigence shall thereby be deprived of the right to vote at any election of trustees or any meeting of ratepayers so long as such exemption shall continue."

1 Edw. VII.  
c. 39, s. 65,  
par. 5,  
amended.

**36.** Paragraph 5 of section 65 of the said Act is hereby amended by inserting after the word "assistants" in the fifth line thereof the words "to maintain each school during the whole period of each school year except in cases where it is otherwise provided under this Act."

1 Edw. VII.  
c. 29, s. 65,  
subs. 7,  
repealed.

**37.** Subsection 7 of the said section 65 is hereby repealed and the following substituted therefor:

Trustees pur-  
chasing school  
books and  
supplies.

"(7) To purchase, in case they deem it expedient, for the use of pupils attending school, text-books and other school supplies; and, at their discretion, either to furnish the same to the pupils free of charge or to collect for the use thereof from the respective parents or guardians of the pupils a sum not exceeding twenty cents per month per pupil to defray the cost thereof."



38. Section 68 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.  
c. 39, s. 68,  
repealed.

68.—(1) The school board or board of education of every urban municipality shall have power to acquire and appropriate any land required by them to be used for a school site, or for the enlargement of or an addition to, any existing school site.

Expropriating  
land for school  
purposes.

(2) If the owner of the land required refuses to sell the same or demands therefor a price deemed unreasonable by the school board or board of education, or refuses to accept the price such board is willing to pay, the school board or board of education may appoint an arbitrator and serve notice of such appointment upon the owner of the land required and require him to appoint an arbitrator. Such notice may contain a description of the land required as aforesaid, and a duplicate of such notice containing such description may be registered in the registry office of the county or city in which the land is situated, together with an affidavit verifying the same and proving service of such notice upon the said owner. Such registration shall be notice to all persons whomsoever that the said land is being expropriated in the manner and at a price to be fixed as herein provided.

Arbitrators,  
appointment  
of by trustees.

(3) The said owner, within seven clear days after the service upon him of notice of the appointment of an arbitrator by the said school board or board of education as aforesaid, shall appoint an arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator, or in default of their appointment of a third arbitrator within four clear days after the appointment of an arbitrator by the owner of the said land as aforesaid, the county judge of the county in which the land in question is situated, upon the application of either party made upon two clear days' notice to the other party, shall appoint a third arbitrator.

Appointment  
of arbitrator  
by owner—  
third arbitra-  
tor.

(4) If the owner of the land required refuse or neglect to appoint an arbitrator and to give notice of such appointment to the said school board or board of education within seven clear days after receiving notice of the appointment of an arbitrator by such board as aforesaid, the school board or board of education may apply *ex parte* to the said county judge upon affidavit setting forth the facts, and thereupon the county judge, with or without directing notice of such application to be served upon the owner of the said land as he shall deem proper, shall appoint two additional arbitrators.

Owner  
neglecting to  
appoint.

(5) If an appointed arbitrator refuses to act or is incapable of acting or dies, the other arbitrators, or in case of their default for seven clear days, the county judge, shall, upon the application of either party, appoint an arbitrator

Arbitrators re-  
fusing or neg-  
lecting to act.

to

to fill such vacancy, and the arbitrator so appointed shall have all the powers and act in the stead of the arbitrator so refusing or being incapable to act or dying as aforesaid.

Compensation  
for lands taken  
or injured.

(6) Every school board or board of education in an urban municipality shall make to the owners or occupiers of any real property adjacent to the land expropriated which is injuriously affected by the exercise of the powers of expropriation conferred by this Act, due compensation for any damages necessarily resulting from the exercise of such powers; and every claim for such compensation, if not settled by mutual agreement, shall be determined by the said arbitrators. The said school board or board of education shall give such notices to the owners and occupiers of such adjacent land as the said arbitrators shall deem just and reasonable, and shall name a time therein within which claims shall be filed before the arbitrators; and upon filing their claims the said owners and occupiers shall be entitled to be heard and to adduce evidence before the said arbitrators, and shall be bound by the award of the arbitrators as to the compensation for such damages. In case any owner or occupier of such adjacent land fails to make his claim to such compensation in writing filed before the said arbitrators within the time limited by such notice, or such further time pending the arbitration as the arbitrators in their discretion shall permit, such owner or occupier shall lose all right to such compensation.

Arbitrators  
may adminis-  
ter oaths.

(7) The arbitrators so appointed as aforesaid shall have power to administer oaths to persons appearing to give evidence before them, or to take the solemn affirmations of such persons, if they are entitled to affirm in civil proceedings.

Powers of arbi-  
trators as to  
determining  
claims.

(8) The arbitrators shall have power to hear and determine all claims or rights of encumbrancers, lessees, tenants and other persons as well as those of the owner in respect of the said land required, and of the owners and occupiers of such adjacent lands; and to decide who are necessary or proper persons to appear before them either generally upon the said arbitration or in respect of any particular claim or right; and to direct all necessary notices to be served and in what manner they may be served; and after hearing all parties interested, and the evidence adduced, the said arbitrators shall make their award as to the price to be paid for the land in question and as to the apportionment of such price where more parties than one are interested therein, and as to the amount to be paid to each lessee, tenant or other claimant by way of compensation in respect of any interest or right affected, and as to any compensation or damages, if any, to be paid to such adjacent owners or occupiers, or any of them.

Decision of  
two arbitrators  
to be binding.

(9) In case of the disagreement of the arbitrators on any matter connected with the said arbitration or as to the award

award to be made, the decision or award of any two of them shall be valid and binding upon all parties.

(10) If one arbitrator refuses or neglects to attend any lawful meeting of the arbitrators, the other two arbitrators may proceed in his absence and may hear and determine all matters that come before them and may make and publish their award upon the matter or matters in question, and such award shall be valid and binding upon all parties; or they may adjourn the meeting for any period not exceeding ten days, giving the absent arbitrator notice of the said adjournment.

Two arbitrators may proceed in absence of third.

(11) The school board or board of education, the owner of the land in question, or any encumbrancer, lessee, tenant, or other person interested in the said land or claiming compensation in respect of any interest or right affected by the expropriation of such land, or any owner or occupier of such adjacent land, may sue out of the High Court of Justice a writ of subpoena *ad testificandum*, or a writ of subpoena *duces tecum*, and may compel the attendance of witnesses and the production of documents and things before the said arbitrators in the manner practised in the said court, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action in the said court.

Subpoenas.

(12) The arbitrators shall make their award within three months after entering on the reference or after having been called on to act by notice in writing from the said school board or board of education or the owner of the land in question, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

Time for making award.

(13) The said school board or board of education shall pay all sums as required by the said award to the parties to whom such sums are awarded, or into court in accordance with the provisions of this Act.

Payment of claims.

If by reason of the absence of the person entitled to be paid any sum, or for any other reason, payment of such sum cannot be made pursuant to the said award, or if the title to the said land expropriated, or any interest therein, or to or in such adjacent land or any part thereof, or the right to any portion of the compensation therefor, is in doubt, or if the school board or board of education have reason to fear any claim or encumbrance, or if for any other reason the said school board or board of education deems it advisable, such board may pay the moneys due under the said award or any part thereof into the High Court of Justice with six months' interest thereon.

When amount awarded may be paid into court.

Upon payment or tender of all moneys awarded by the arbitrators to the parties entitled thereto, or upon payment thereof



thereof, or such part thereof as has not been paid to any person pursuant to the said award, into court with interest as aforesaid pursuant to this Act, the school board or board of education may enter upon, take, and use the said land for the purpose for which it was required.

Owners and others compellable witnesses.

(14) The owner of the land required and all parties interested therein or claiming any compensation by reason of the expropriation of the same, and every owner or occupier of adjacent land claiming compensation or damages, shall, subject to any legal objection, submit to be examined by or before the arbitrators on oath, or on affirmation, if entitled to affirm in civil cases, in relation to the matters in question, and shall, subject as aforesaid, produce before the arbitrators all deeds, writings, documents and things in their possession or power respectively, which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators may require.

Award to be in writing and in duplicate if required.

(15) The award of the arbitrators shall be in writing, and in duplicate if required by the school board or board of education, and shall set forth the metes and bounds of the land in question, and the said award or a duplicate thereof shall be registered in the registry office of the county or city in which the said land is situated, on the affidavit of the secretary of the board verifying the same, and shall be deemed to be the title of the trustees to the land mentioned therein and shall be a good title thereto against all persons whomsoever.

Costs of arbitration.

(16) The costs of the arbitration and award, and of every matter involved therein, shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award costs to be paid as between solicitor and client.

Application of s. 39, subs. 1, to urban municipalities.

(17) Subsection 1 of section 39 of the said Act shall be construed as applying to land in urban municipalities as well as to lands required for rural school sites.

1 Edw. VII, c. 139, s. 70, repealed.

**39.—(1)** Section 70 of the said Act is hereby repealed and the following substituted therefor:—

County rate in aid of schools.

**70—(1)** The municipal council of every organized county shall levy and collect by an equal rate upon the taxable property of the whole county (not included in urban municipalities or annexed to any urban municipality for school purposes) according to the equalized assessments of the municipalities, in the manner provided by this Act and *The Municipal and Assessment Acts*, a sum which shall be at least the equivalent of all special grants made by the Legislative Assembly to the rural schools of the county, and such sum shall be payable to the trustees of the respective schools receiving such legislative special grants in the same proportions as the said special grants are apportioned.



(2) Where the assessed value of all the taxable property of the public school supporters in any township of an organized county is at least equal to an average assessment of \$30,000 for each public school section therein, the municipal council of such township shall levy and collect by assessment upon the taxable property of the public school supporters of the whole township in the manner provided by this Act and *The Municipal and Assessment Acts*, the sum of \$300 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$300 at least, where a teacher or principal teacher is engaged for six months or longer; and the additional sum of at least \$200 for an assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$200 at least, where an assistant teacher is engaged for six months or longer.

Township grant in aid of schools

(3) Where such assessed value is less than an average assessment of \$30,000 for each public school section in any township, the municipal council of such township shall levy and collect as aforesaid the sum of \$150 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for six months or longer; and an additional sum of at least \$100 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least, where such assistant teacher is engaged for six months or longer.

Where assessment is less than \$30,000 for each section.

(4) The sums so levied and collected by the council of the township shall, after the expiration of the present calendar year, be applied exclusively to teachers' salaries.

Application of township grant to teachers' salaries.

(5) In addition to the sum provided by the township council towards each teacher's salary, the trustees of every rural school section shall, in the cases hereinafter mentioned, pay annually, after the expiration of the current calendar year, to the teacher, where there is only one, and to the principal teacher where there are more teachers than one, at least the sum hereinafter mentioned (subject only to a proportionate reduction in case the whole year's salary does not become due), that is to say:

Amounts to be paid by trustees towards teachers' salaries.

(a) \$200 where the assessed value of the taxable property of the public school supporters in the section is at least \$200,000;

(b) \$150 where such assessed value is at least \$150,000 but less than \$200,000;

(c) \$100 where such assessed value is at least \$100,000, but less than \$150,000;

(d) \$50 where such assessed value is at least \$50,000, but less than \$100,000 ;

(e) \$25 where such assessed value is at least \$30,000 ; but less than \$50,000 ;

And \$100 to every assistant teacher, whatever such assessed value is.

The said trustees in making their annual estimates and requisitions for school moneys to be levied and collected from the ratepayers, shall include whatever amount, considering their other sources of income, is necessary to provide for such payment or payments.

Suspension of certificate for accepting lower salary.

(6) The public school inspector shall have power to, and shall, suspend the certificate of any teacher in a rural school who agrees to accept a salary of less amount than is herein provided for, or who by rebate, deduction, donation, or other subterfuge accepts a less amount in settlement of his or her claim for salary. The inspector shall forthwith report such suspension to the Minister of Education, and the suspension shall be continued or dealt with as the Minister deems expedient.

In case the full amount of the salary provided for herein shall not be paid to any teacher by the trustees of a rural school, or if by rebate, deduction, donation or other subterfuge, any such teacher accepts a less amount in settlement of his or her salary the difference between the said full amount provided for herein and the less sum so paid or accepted as aforesaid, shall be deducted by the township treasurer, on the order of the public school inspector, from the amount payable by the township council to the said trustees under subsection 2 or 3 (as the case may be) of this section, and by said treasurer divided equally amongst the other school sections of the township.

Rates for teachers salaries in union school sections.

(7) In the case of a union school section formed of parts of different townships, the sums herein provided to be levied and collected from the ratepayers by township councils shall be levied and collected as aforesaid by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Township grants to union school sections.

(8) In the case of a union school section formed of parts of different townships, the sums mentioned in subsection 2 of this section shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 54 of this Act.

Abatement of amounts payable by

(9) When any portion of the salary of any teacher in a rural school for any reason does not become payable or is

2<sup>1</sup>/<sub>a</sub> s.

withheld

withheld from such teacher in accordance with the terms of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers, on account of such salary, shall abate, in the proportions in which they were respectively liable for the whole.

county and township.

(10) All moneys hereby required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective public school boards from time to time as may be required by the school trustees.

Amounts required to be raised to be paid over as required.

(11) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming such union shall be liable only for sums payable in respect of public schools within such county.

Apportionment in united counties.

40. Subsection 1 of section 71 of the said Act is hereby amended by inserting after the word "property" in the second line thereof the words "of the public school superintenders" and by striking out all the words in the said subsection after the word "expenses" in the eighth line thereof.

1 Edw. VII., c. 39, s. 71, subs. 1, amended.

41.—(1) Subsection 1 of section 74 of the said Act is hereby amended by inserting after the word "purchase" in the second line thereof the words "or enlargement."

1 Edw. VII., c. 39, s. 74, subs. 1, amended.

(2) Subsection 2 of section 74 of the said Act is hereby amended by inserting after the word "municipality" where it first occurs in the sixth line thereof the words "Such application must be sanctioned by the ratepayers of the union school section in the manner set forth in the preceding subsection," and by inserting after the word "forming" in the sixth and seventh lines thereof the words "or any portion or portions of which form," and by adding at the end thereof the following paragraph: "The proportion of the moneys payable under said debentures by each of the said municipalities shall be payable out of the taxable property therein lying within the said union school section."

1 Edw. VII., c. 39, s. 74, subs. 2, amended.

42. Subsection 1 of section 76 of the said Act as enacted by section 5 of the Act passed in the third year of His Majesty's reign, chaptered 32, is hereby amended by inserting after the word "purchase" in the fourth line thereof the words "or enlargement," and by inserting after the word "thereto" in the fifth line thereof the words "or repairs or improvements of the school property."

1 Edw. VII., c. 39, s. 76, subs. 1, amended.

43. Section 78 of the said Act is hereby amended by striking out all the words thereof after the word "for" in the 7th line thereof, and inserting in place thereof the words

1 Edw. VII., c. 39, s. 78, amended.

words



words following: "any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, or any addition thereto, or the erection of a teacher's residence, or any addition thereto, and any sum so borrowed shall be applied only to the purpose or purposes for which it was borrowed."

1 Edw. VII,  
c. 39, s. 80,  
subs. 3,  
amended.

44. Subsection 3 of section 80 of the said Act is hereby amended by adding thereto the following: "or when for any reason his engagement has ceased."

1 Edw. VII,  
c. 39, s. 83,  
subs. 1,  
amended.

45.—(1) Subsection 1 of section 83 of the said Act is hereby amended by inserting after the word "qualification" in the seventh line thereof the words: "and actually engaged in teaching, having had at least three years' experience as a teacher in one or more of the public or separate schools of the Province."

1 Edw. VII,  
c. 39, s. 83,  
subs. 5,  
repealed.

(2) Subsection 5 of said section 83 is hereby repealed.

1 Edw. VII,  
c. 39, s. 86,  
subs. 3-6,  
repealed.

46. Subsections 3, 4, 5 and 6 of section 86 of the said Act are hereby repealed and the following subsections substituted therefor:

County  
inspectors,  
appointment  
of.

(3) The municipal council of each county shall appoint one or more public school inspectors for such county. The number appointed shall be such that no inspector shall have charge of more than one hundred and forty schools or departments with separate registers, or less than fifty, except as hereinafter provided.

Limit of  
number of  
schools under  
each inspector.

(4) When more than one inspector is appointed for any county, the county council shall prescribe and number the territorial divisions of each, in such manner that no inspector shall have charge of more than one hundred and twenty or less than fifty schools except as hereinafter provided. The council may change or remove the inspectors from one division of the county to another whenever they deem it expedient.

Towns not  
separated  
from the  
county.

(5) Each inspector shall have charge of all the public schools of any town not separated from the county in the district to which he has been appointed; but this shall only apply to the towns referred to in subsection 9 of this section when the office of inspector in such towns becomes vacant.

Limit where  
French or  
German  
prevailing  
language.

(6) In a county containing any municipality wherein the French or German language is the common or prevailing language, the inspector in whose division such municipality lies may have charge of less than fifty schools but not less than forty.



(6a) Notwithstanding anything hereinbefore contained, in any county divided into electoral divisions, the county council may in its discretion appoint an inspector for each or any of the said divisions and in such case the inspector appointed to any electoral division may have charge of all the public schools therein whatever their number, except in cities or towns separated from the county, or in the towns referred to in subsection 9 of this section while the present inspectors continue in office in said last mentioned towns, but as soon as such last named inspectorships become vacant the inspectors appointed by the council as aforesaid shall take charge of the schools in such last mentioned towns.

Appointment  
of inspectors  
for each  
electoral  
division.

47. Subsection 8 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.,  
c. 39, s. 86, subs.  
8 repealed.

(8) The county council shall pay in equal quarterly instalments to every county inspector, the annual sum of \$6 for each teacher occupying a separate room with a separate register, and such additional sum as it deems reasonable for travelling expenses, which additional sum shall never be less than \$150 per annum, with \$1.50 added for each school under his charge exceeding 50 in number. The county council shall also pay to every county inspector his reasonable expenses for postage and stationery, and in case of dispute the amount thereof shall be settled by the county judge, upon the application of the inspector or of the said council, and the decision of the said county judge shall be final.

Remuneration  
of county in-  
spectors.

48. Subsection 10 of section 86 of the said Act is hereby repealed and the following substituted therefor:—

1 Edw. VII.,  
c. 39, s. 86,  
subs. 10  
repealed.

(10) Out of any sum of money appropriated by the Legislature for that purpose, the sum of \$800 shall be paid as the Lieutenant-Governor in Council may direct, towards the salary of every county inspector, and the sum of \$5 for every teacher occupying a separate room with a separate register shall be paid, as the Lieutenant-Governor in Council may direct, to the school board of every city or town separated from the county, towards the payment of the salary of the inspector of such city or town.

Remuneration  
of inspectors.

Maximum  
salary of  
county  
inspectors.

49. Subsection 12 of section 86 of the said Act is hereby amended by inserting after the word "or" in the third line thereof the words "subject to the approval of the Lieutenant-Governor in Council," and by striking out the words "or without cause by a vote of two-thirds of such council or board" in the fourth and fifth lines thereof.

1 Edw. VII.,  
c. 39, s. 86,  
subs. 12  
amended.

50. Subsection 3 of section 87 of the said Act is hereby amended by adding thereto the following as paragraph (e):

1 Edw. VII.,  
c. 39, s. 87,  
subs. 3  
amended.

"(e)

“(e) The inspector shall not, however, withhold his order for the amount apportioned from the legislative or municipal grant, nor shall the teacher’s salary be withheld by reason of any school being kept open for less than six months of the year when such school has been closed by order of the health officer on account of any contagious disease or diseases.”

1 Edw. VII.,  
c. 39, s. 93,  
subs. 7  
amended.

51. Subsection 7 of section 93 of the said Act is hereby amended by striking out the figures “87” where they occur in the second and third lines thereof and substituting therefor the figures “91” and by striking out the figures “89” in the fourth line thereof and substituting therefor the figures “93.”

1 Edw. VII.,  
c. 39, s. 95,  
subs. 3  
amended.

52. Subsection 3 of section 95 of the said Act is hereby amended by striking out the word “any” in the fifth line thereof and substituting therefor the word “the” and by inserting after the word “trustees” in the said fifth line the words “of the last named section” and by inserting after the word “remit” in the said fifth line the words “the whole or any part of the said rates, not exceeding the amount of.”

1 Edw. VII.,  
c. 39, s. 95,  
subs. 5  
amended.

53. Subsection 5 of section 95 of the said Act is hereby amended by striking out the last two words in the fourth line thereof and the first word of the fifth line thereof, and by inserting after the word “purposes” in the sixth line thereof the words: “or so much thereof.”

1 Edw. VII.,  
c. 39, s. 98,  
subs. 3  
amended.

54. Subsection 3 of section 98 of the said Act is hereby amended by inserting after the word “thereto” in the sixth line thereof the following: “He shall also certify under his hand to the Minister of Education a true copy of the said summons, statement of claim, proceedings, evidence, judgment and objections”, and by striking out the word “hereinafter” in the sixth line thereof and substituting therefor the word “hereinbefore.”

1 Edw. VII.,  
c. 39, s. 98,  
subs. 4  
amended.

55. Subsection 4 of said section 98 is hereby amended by striking out all the words therein from the commencement thereof down to and including the word “thereto” in the sixth line thereof.

1 Edw. VII.,  
c. 39, s. 101  
amended.

56. Section 101 of the said Act is hereby amended by striking out the words “for its use” at the end thereof, and substituting therefor the words “and applied by them to school purposes.”

1 Edw. VII.,  
c. 39, s. 104,  
amended.

57. Section 104 of the said Act is hereby amended by inserting after the word “the” in the fifth line thereof the words “municipality or” and by inserting after the word

word "and" in the sixth line thereof the words "except in cases falling within the provisions of subsection 2 of section 62 of this Act."

58. Section 105 of the said Act is hereby amended by striking out the word "may" in the tenth line thereof and substituting therefor the words "shall on proof of the facts" and by inserting after the word "and" in the eleventh line thereof the words: "except in an urban municipality when the trustees notify him that they have decided to allow the office to remain vacant pursuant to the provisions of subsection 2 of section 62 of this Act, shall."

1 Edw. VII.,  
c. 39, s. 105  
amended.

59. Section 106 of the said Act is hereby amended by inserting after the word "publication" at the end of the fourth line thereof the words "in which any advertisement is inserted in the regular course of business or."

1 Edw. VII.,  
c. 39, s. 106  
amended.

60. Section 113 of the said Act is hereby amended by striking out all the words in the eighth line thereof after the word "by" and inserting in place thereof the words: "the public school corporation or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all other ratepayers of the school section or municipality interested therein."

1 Edw. VII.,  
c. 39, s. 113  
amended.

61.—(1) Subsection 2 of section 115 of the said Act is hereby amended by inserting after the word "order" in the second line thereof the words "or a true copy thereof."

1 Edw. VII.,  
c. 39, s. 115,  
subs. 2  
amended.

(2) Subsection 3 of said section 115 is hereby amended by inserting after the word "appointed" in the first line thereof the words: "or at a time and place to which the application may then in the discretion of the judge be adjourned."

1 Edw. VII.,  
c. 39, s. 115,  
subs. 3  
amended.

(3) Subsection 4 of said section 115 is hereby amended by adding thereto the following paragraph: "It shall be competent, however, for the judge, upon proof that such person has done all in his power and it has become impossible for him to deliver up, account for or pay over the books, papers, chattels or moneys aforesaid in manner aforesaid, to order his discharge on such terms or conditions as may appear just."

1 Edw. VII.,  
c. 39, s. 115,  
subs. 4  
amended.

62. Section 116 of the said Act is hereby amended by inserting after the word "ratepayer" in the last line thereof the words "any trustee, secretary or treasurer so refusing."

1 Edw. VII.,  
c. 39, s. 116  
amended.

63. Subsection 1 of section 121 of the said Act is hereby amended by inserting after the word "shall" in the third line thereof the words "sell or."

1 Edw. VII.,  
c. 30, s. 121,  
subs. 1  
amended.

## CHAPTER 54.

An Act to amend The Act respecting Boards of Education in certain Cities, Towns and Villages.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

<sup>4</sup>Edw VII  
c. 33, s. 1, subs  
1, amended.

1. Subsection 1 of section 1 of *The Act respecting Boards of Education in certain Cities, Towns and Villages* is amended by adding thereto the following words:

“When the Board of Public School Trustees and the Board of High School Trustees have already been united in any such city, town or incorporated village, the council of such municipality may by resolution declare that it is expedient that such Board of Education shall be constituted and elected under section 2 of this Act, instead of being elected and appointed under *The Public Schools Act*, and *The High Schools Act*, and thereupon such Board of Education may be elected under section 2 of this Act.

<sup>1</sup>Edw. VII.  
c. 39.

<sup>1</sup>Edw. VII,  
c. 40.



## CHAPTER 55.

## An Act respecting the University of Toronto and University College.

*Assented to 14th May, 1906.*

- MEANING OF TERMS, ss. 2, 3.  
 REMOVAL OF TEACHING STAFF BY BOARD, s. 4.  
 PROCLAMATION CHANGING NAME OF, s. 5.  
 SCHOOL OF PRACTICAL SCIENCE UNITED AS FACULTY OF, s. 6.  
 FEDERATION OF UNIVERSITIES AND COLLEGES, ss. 7, 8, 9.  
 RELIGIOUS TESTS NOT REQUIRED, s. 9.  
 LANDS AND PROPERTY OF, ss. 10-18.  
   Vested in Board, s. 12.  
   Not to be expropriated, s. 17.  
   Exempt from Taxation, s. 18.  
 ENDOWMENT OF CHAIRS OR SCHOLARSHIPS, s. 19.  
 BOARD OF GOVERNORS, ss. 20-46.  
   Composition of, s. 24.  
   Chairman of, s. 26.  
   Term of office of members, s. 30.  
   Removal of members by Lieutenant-Governor, s. 33.  
   Powers of Crown transferred to, s. 38.  
   Powers of, ss. 39-41.  
   Annual report of, s. 44.  
 THE SENATE, ss. 47-56.  
   How composed, s. 47.  
   Teaching Staff of University not to be elected to, s. 48.  
   Term of office of members, s. 50.  
   Vacancies, ss. 51, 52.  
   Powers and duties of, ss. 54, 55.  
   Certain statutes of to be submitted to Board, s. 56.  
 CONVOCATION, ss. 57-66.  
   How composed, s. 57.  
   Powers of, s. 58.  
   Meetings, ss. 59, 60, 61.  
   Quorum, s. 64.  
   Chairman of, s. 68.  
 CHANCELLOR, ss. 67-72.  
   Graduate to elect, s. 67.  
   To be Chairman of Convocation, s. 68.  
   Conferring of degrees by, s. 69.  
   Term of office, s. 70.  
 COUNCIL OF FACULTY OF ARTS, ss. 73-75.  
 COUNCIL OF UNIVERSITY COLLEGE, s. 77.  
 POWERS AND DUTIES OF FACULTY COUNCILS, s. 79.  
 POWERS OF COUNCIL OF UNIVERSITY COLLEGES, s. 81.  
 "CAPUT," ss. 84-87.  
 PRESIDENT OF UNIVERSITY, ss. 88-91.  
   Duties and Powers of, s. 88.  
   Appointment of, *pro tem.*, ss. 89-91.  
 PRINCIPAL OF UNIVERSITY COLLEGE, s. 92.  
 REGISTRARS, s. 93.  
 DISCIPLINE,  
   Jurisdiction as to, ss. 94-100.  
 ELECTION OF CHANCELLOR AND MEMBERS OF SENATE, ss. 101-126.  
 APPORTIONMENT OF COURSE OF INSTRUCTION IN ARTS, ss. 127, 128.  
 ATTENDANCE AT LECTURES, ss. 130, 134.  
 FEES FOR INSTRUCTION IN ARTS, s. 133.  
 ENROLMENT OF STUDENTS, ss. 136-138.  
 ANNUAL GRANT OF PORTION OF REVENUE FROM SUCCESSION DUTIES, s. 140.  
 TRINITY COLLEGE,  
   Rights of, s. 141.  
   Removal to Queen's Park, s. 142.  
   Loans to, may be guaranteed by Province, s. 142.  
 DEVONSHIRE PLACE,  
   Power of Board to close, s. 143.  
 WALLBRIDGE SCHOLARSHIP, s. 144.  
 FEDERATED COLLEGES,—WHEN TO BECOME COLLEGES OF UNIVERSITY, s. 145.  
 COMMENCEMENT OF ACT, s. 148.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The University Act, 1906*.

Interpretation.

2. Where the words following occur in this Act, unless a contrary intention appears, they shall be construed as follows:—

“The University.”

(1) “The University” as meaning the University of Toronto.

“The Board.”

(2) “The Board” as meaning the Governors of the University of Toronto.

“Appointed members.”

(3) “Appointed members” as meaning the members of the Board appointed by the Lieutenant-Governor in Council.

“Property.”

(4) “Property” as including real property and all other property of every nature and kind whatsoever.

“Real property.”

(5) “Real property” as including messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein.

“College.”

(6) “College” as including a school or other institution of learning.

“Teaching Staff.”

(7) “Teaching staff” as including professors, associate professors, lecturers, instructors, demonstrators and all others engaged in the work of teaching or giving instruction.

“Now.”

(8) “Now” as meaning when this Act goes into force.

“Trinity College.”

(9) “Trinity College” as meaning Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty, Queen Victoria, chaptered 32, and as constituted a University by Royal Charter bearing date the sixteenth day of July, 1853.

“Head.”

(10) “Head,” when it refers to the head of a federated university or a federated college, as meaning the person who is or is certified by the governing body of such university or college to be the head thereof.

University,  
University  
College, Facul-  
ties, etc., con-  
tinued.

3. The Provincial University, known as the University of Toronto, the Provincial College, known as University College, the Senate, Convocation, the several faculties of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the rights, powers and privileges which they respectively now have, hold, possess and enjoy.

4. All appointments in and statutes and regulations affecting the University and University College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff, and all officers, servants and employees, to their removal by the Board at its discretion.

Appointments, statutes and regulations, continued.

5.—(1) If and when a proclamation to that effect shall be issued by the Lieutenant-Governor, the name of the University shall be changed to and the University shall be known as "The University of Ontario" from and after such date as shall be named in the proclamation for the change taking effect.

Proclamation changing name of University.

(2) Such proclamation shall not be issued unless and until a statute of the Senate approving of the change shall have been passed by the vote of at least three-fourths of the members thereof who may be present at a meeting called for the purpose of considering the question of making such change and unless and until the change shall have been sanctioned by the Board.

When proclamation may be issued.

6.—(1) The School of Practical Science is hereby united with and shall form part of the University and constitute the faculty of Applied Science and Engineering thereof.

School of Practical Science united with University as faculty of Applied Science and Engineering.

(2) The principal of the School of Practical Science shall become and be the Dean of the said faculty, and the professors, teachers, instructors and officers of the said school shall hold and occupy the like positions in the said faculty to those now held and occupied by them in the said school, but subject always to removal by the Board at its discretion.

Dean of faculty.

(3) Whenever in any Act or document reference is made to the School of Practical Science, the same shall hereafter apply and extend to the said faculty.

Reference to School to mean faculty of Applied Science, etc.

(4) All moneys expended by the Board in the maintenance of the said faculty shall for the purposes and within the meaning of the agreement bearing date the second day of March, 1889, between Her late Majesty, Queen Victoria, and the Corporation of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario."

Moneys expended by board to be deemed to be expended by Crown for certain purposes.

(5) All courses of study in the said school, all Orders in Council relating thereto, and all by-laws, rules and regulations thereof, except in so far as the same are inconsistent with the provisions of this Act, shall continue in force and apply to the said faculty in the same manner and to the same extent as the same are now applicable to the said school, but they may be abrogated or modified by the proper governing body of the University in that behalf as may be deemed expedient.

Curriculum, by-laws, etc., extended to faculty.

Universities and colleges, federated or affiliated.

7.—(1) Every university and every college federated with the University and every college affiliated with the University shall continue to be so federated or affiliated, subject to any statute in that behalf and to this Act.

Colleges affiliated with federated university.

(2) A college affiliated with a federated university at the time of its federation with the University, whether such federation has heretofore been or shall hereafter be entered into, shall be deemed to be affiliated with the University.

Victoria and Trinity declared to be federated.

(3) The following are declared to be the universities federated with the University, that is to say, Victoria University and Trinity College.

Federated colleges

(4) The following are declared to be the colleges federated with the University, that is to say, Knox College, Wycliffe College and St. Michael's College.

Affiliated colleges.

(5) The following are declared to be the colleges affiliated with the University, that is to say; Albert College, The Ontario Agricultural College, The Ontario Medical College for Women, The Royal College of Dental Surgeons, The Toronto College of Music, The Ontario College of Pharmacy, The Toronto Conservatory of Music, The Hamilton Conservatory of Music, The Western Canada College of Calgary, The Columbian Methodist College, and The Ontario Veterinary College; the following the Colleges which are affiliated with the University by reason of their having been affiliated with Victoria University when the said last mentioned University became federated with the University, that is to say: The Ontario Ladies' College and Alma College; and St. Hilda's College, which is affiliated with the University by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

Affiliated colleges, when to be represented in Senate.

(6) A college which has been affiliated with the University since the 15th day of April, 1901, or which shall hereafter be affiliated therewith shall not be entitled to representation on the Senate unless so declared by statute in that behalf.

Removal of college from federation or affiliation.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with the University which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology.

Colleges affiliated with federated university to cease to be affiliated with university on dissolution of federation.

(8) If and when any university now or hereafter federated with the University ceases to be federated therewith, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University.



(9) The Arts faculties of Victoria University and Trinity College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College and Trinity College.

Arts faculties of  
Victoria and  
Trinity.

8.—(1) When any university in the Province of Ontario determines to surrender its degree conferring powers (except the power of conferring degrees in theology) and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in such statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended.

Admission of  
universities to  
federation.

(2) Every such statute shall be published forthwith after the passing thereof in the *Ontario Gazette*.

(3) The power and authority of conferring degrees, except in theology, of any university now or hereafter federated with the University shall be suspended and in abeyance, but may be resumed by such federated university; Provided that three years shall have elapsed from the date when its federation with the University took effect, and that after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers shall have been given to the Board, and any such federated university shall cease to be federated with the University at and after the expiry of the said last mentioned period.

Suspension of  
degree-confer-  
ring powers  
during federa-  
tion.

Proviso.

(4) Notice that any such federated university has ceased to be federated with the University and the date when it ceased to be so federated shall be published in the *Ontario Gazette*.

Notice of disso-  
lution of feder-  
ation.

(5) The graduates and undergraduates in Arts, Science and Law of a federated university and such graduates and undergraduates thereof in Medicine as have passed their examinations in Ontario from and after the date when such university became federated with the University, and so long as such federation shall continue, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university.

Rights of  
graduates and  
undergrad-  
uates of fed-  
erated univer-  
sity.

9.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University or of University College, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein and their attendance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective minis-

Religious tests  
etc., not re-  
quired.

Moral and  
religious  
training.

ters,

Proviso.

Rights of  
federated  
universities  
and colleges as  
to religion.

ters, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, provided always that attendance on such forms of religious observance shall not be compulsory on any student attending the University or University College.

(2) Nothing in this section contained shall interfere with the right of any federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline.

Accounts of  
proceeds of  
sales of lands  
set apart for  
university and  
university  
college.

10.—(1) Separate accounts of the proceeds of the sales of the lands set apart for the use of the University and University College or either of them by the Act passed in the 60th year of the reign of Her late Majesty, Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His Majesty, chaptered 36 (as amended by the Act passed in the 5th year of the same reign, chaptered 36) and by the Act passed in the said last mentioned year chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in the said Acts, and all moneys derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise.

Rights of  
university as to  
such lands  
preserved.

(2) The repeal by this Act of the Acts and parts of Acts mentioned or referred to in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions of the Acts and parts of Acts so repealed, but such right shall remain in full force notwithstanding such repeal.

Annual grant  
of \$7,000  
continued.

11. The annual grant of \$7,000, provided for by the said first mentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue.

Property  
vested in  
trustees trans-  
ferred to  
Board.

12. All property now vested in the Trustees of the University of Toronto is hereby, subject to any trust affecting the same, vested in the Board, and all property which heretofore has been or hereafter shall be granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board.

Property  
vested in  
Crown for  
S. P. S. vested  
in Board.

13. All property which is vested in or used by the Crown for the purposes of the School of Practical Science, and all unexpended appropriations out of the Consolidated

Revenue

Revenue for the maintenance thereof, shall belong to and are hereby vested in the Board.

14. The real property demised to the Corporation of the City of Toronto for the purpose of a park under the authority of section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease thereof remains in force, form part of the City of Toronto and the residue of the real property adjacent to the said park which is vested in the Board, shall be subject to the police regulations of the said corporation and the council thereof and except as herein otherwise provided to the by-laws thereof. Queen's Park.

15. All real property which is now or which hereafter shall be vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of the Province. Application of statute of limitations as to property.

16. It is hereby declared that the dedication heretofore by the Crown for any purpose of any real property held for the purposes of the University and University College or either of them has not taken away from such real property any rights or privileges which it enjoyed as Crown lands or prejudicially affected the same, but that all such rights and privileges remain in full force and effect. Former dedication to university not to affect status of lands as Crown lands.

17.—(1) The real property vested in the Board shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to appropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply to such real property. Lands vested in Board not liable to expropriation.

(2) The provisions of subsection 1 shall apply to real property owned by or vested in any university or college federated with the University.

18.—(1) The property real and personal vested in the Board shall not be liable to taxation for provincial, municipal or school purposes, but shall be exempt from every description of taxation; provided, always, that except as mentioned in subsection 2 the interest of every lessee and occupant of real property vested in the Board shall be liable to taxation. Exemption of property from taxation.

(2) The liability to taxation of the interest of a lessee or occupant mentioned in this section shall not extend to the interest of a lessee or occupant being a member of the teaching staff or an officer or servant of the University or of University College who, or being an association of under-graduates or an incorporated society of under-graduates or of graduates and undergraduates, which is the lessee



or occupant of any part of the property commonly known as the University Park, composed of the north halves of Park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York (now in the City of Toronto), and including that part of park lot number fourteen in the said first concession, described in a certain conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office of the eastern division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation.

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board is by subsection 1 exempted from taxation.

Endowment of  
chairs or  
scholarships.

**19.** Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a scholarship in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith.

Board of  
Governors.

**20.** There shall be and is hereby constituted a Board of Governors of the University and University College.

Incorporation  
of Board.

**21.** The Board shall be a body corporate by the name and style of "The Governors of the University of Toronto," and shall have all the rights, powers and privileges mentioned in subsection 25 of section 8 of *The Interpretation Act*, and also the power to take and hold real property for the purposes of the University and of University College without license in mortmain.

Board to be  
deemed suc-  
cessor to trustees.

**22.** The Board shall not be deemed to be a new corporation, but shall be taken to be and shall be the successor of "The Trustees of the University of Toronto," with the enlarged rights, powers and privileges conferred by this Act.

Pending  
proceedings.

**23.** Any action or proceeding now pending in any court may be continued to be prosecuted or defended, as the case may be, in the name of "The Trustees of the University of Toronto," or the name of the Board may at its option be substituted therefor.

Composition  
of Board.

**24.** The Board shall consist of the Chancellor and the President of the University, who shall be *ex-officio* members thereof, and eighteen persons appointed by the Lieutenant-Governor in Council.



25. No person shall be eligible for appointment as a member of the Board unless he is a British subject, and a resident of the Province of Ontario. Disqualifications.

26. One of the members of the Board shall be appointed Chairman. by the Lieutenant-Governor in Council to be the chairman thereof.

27. The Board may appoint one of its members to be Vice-chairman. Vice-Chairman, and, in case of the absence or the illness of the Chairman, or of there being a vacancy in the office of Chairman, the Vice-Chairman shall act for and have all the powers of the Chairman, and an entry in the minutes of the Board declaring that any of the said causes for the appointment of a Vice-Chairman exists shall be conclusive evidence of the fact so declared.

28. Unless and until otherwise provided by the Board, Quorum. seven members thereof shall be necessary to constitute a quorum.

29. Notwithstanding any vacancy in the Board, as long Ten members may exercise powers. as there are at least ten members thereof it shall be competent for the Board to exercise all or any of its powers.

30. The appointed members of the Board, except those Term of office. who shall be first appointed after the passing of this Act, shall hold office for six years.

31. Of the first appointed members of the Board, 6 shall Term of office of first members. be appointed and hold office for two years; 6 for four years, and the remaining 6 for six years, and all of them until their successors are appointed.

32. The appointed members of the Board shall be eligible Members may be re-appointed for re-appointment.

33. The appointed members of the Board and any or Removal from office. either of them may be removed from office by the Lieutenant-Governor in Council.

34. The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board. Heads of colleges, federated universities, etc., ineligible

35. If a member of the Board, after his appointment, Vacancies. accepts or occupies any of the said offices or positions, or goes to reside out of the Province, or becomes insane or otherwise incapable of acting as a member of the Board, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the Board shall be conclusive evidence thereof.

Filling  
vacancies.

**36.** In the case of a vacancy in the Board, caused by death, resignation or otherwise, which shall happen before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor to the member who has died, or resigned, or otherwise ceased to be a member, who shall hold office for the remainder of the latter's term of office.

Government,  
etc., of Univers-  
ity vested in  
Board.

**37.** The government, conduct, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, shall be vested in the Board.

Powers of  
Crown trans-  
ferred to Board.

**38.** All the powers over, in respect of, or in relation to the University and University College and each of them which now are or may be exercised by the Lieutenant-Governor, save only such powers as are by this Act expressly reserved to the Lieutenant-Governor in Council, are hereby, subject to the provisions of this Act, vested in the Board.

Powers of  
Board.

**39.** Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is hereby declared that the Board shall have the following powers:

Conduct of  
proceedings.

(1) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing the quorum of the Board, and for the appointment of such committees as it may deem necessary, and for conferring upon any of such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board.

Appointment  
of President,  
Deans, Profes-  
sors, etc.

(2) To appoint the President of the University, the Principal of University College, the Deans of all the faculties, the Librarian, the Bursar, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and to fix their salaries or remuneration, and to define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board. Provided, always, that no person shall be appointed as Principal of University College, or as a Dean of any faculty, or as a member of the teaching staff of the University, or of any faculty thereof, or of University College, unless he shall have been first nominated for the position to which it is proposed to appoint him by the President of the University, and provided also that no Dean

Proviso.

Proviso.

of a faculty or member of the teaching staff of the University, or of any faculty thereof, or of University College, shall be promoted, and no principal of University College or Dean of a faculty or member of such teaching staff shall be removed from office except upon the recommendation of the President of the University, but this proviso shall not apply where there is a vacancy in the office of President.

(3) To make regulations respecting and to provide for the retirement and superannuation of any of the persons mentioned in subsection 2, or the payment of a gratuity to any of them upon retirement, and to provide that any superannuation or retiring allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the moneys of the Board or by contributions thereof from the persons aforesaid, or partly by both.

Superannua-  
tions and re-  
tirements.

(4) Subject to the limitations imposed by any trust as to the same, to invest all such moneys as shall come to the hands of the Board, and shall not be required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet.

Investments.

(5) To purchase and to take and hold by gift or devise real property for the purposes of the University and University College, or either of them, without license in mortmain, and every person shall have the unrestricted right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes, any law to the contrary notwithstanding.

Acquiring and  
holding real  
property.

(6) To purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them.

Acquiring  
property for a  
University.

(a) The power conferred by this subsection shall include that of purchasing the interest of any lessee in any real property vested in the Board which is under lease.

(7) Without the consent of the owner thereof or any person interested therein to enter upon, take, use and appropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, making due compensation therefor to the owners and occupiers thereof, and all persons having any interest therein.

Expropriation  
of lands.

(8) The provisions of *The Municipal Arbitrations Act* and of sections 437 to 467, both inclusive, of *The Consolidated*

Application of  
Rev. Stat., c.  
227 and 3 Edw.  
VII., c. 19.

*Municipal*

*Municipal Act, 1903*, shall *mutatis mutandis* apply to the Board, and to the exercise by it of the powers conferred by subsection 7, and where any act is by any of the said provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Bursar of the University, or at his office (as the case may be).

Acquiring and maintaining real property for athletic purposes.

(9) To acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and to erect and maintain such buildings and structures thereon as it may deem necessary.

Physical training.

(10) To make such regulations and provide such means for the physical examination, instruction and training of the students of the University and of University College as to the Board may seem meet.

Selling and leasing lands.

(11) To sell any of the real property vested in the Board or to lease the same for any period not exceeding twenty-one years to commence in possession with such right of renewal and under and subject to such rents, covenants, agreements and conditions as to the Board may seem meet.

Expenditure of funds in maintenance and improvements.

(12) To lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and University College, and each of them, and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings.

Residences and dining halls, etc.

(13) To lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University and of University College, and of each of them, whether such students be graduates or undergraduates, and to acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation is hereby empowered to enter into and to carry into effect any agreement for the purposes aforesaid, and upon such agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board.

Control of residences, etc.

(14) To make such rules and regulations as may to the Board seem meet for the management, government and control of such residences and dining halls.

(15)



(15) To establish such faculties, departments, chairs and courses of instruction in the University, and such departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet.

Establishing  
faculties, de-  
partments, etc.

(16) To provide for the federation with the University of any college established in this Province for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate, and otherwise, as to the Board may seem meet, and to enter into any agreement which may be deemed necessary to effectuate such federation.

Federation of  
colleges.

(17) To provide for the affiliation with the University of any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and to enter into any agreement which may be deemed necessary to effectuate such affiliation.

Affiliation of  
colleges.

(18) To provide for the dissolution of any such affiliation and of any existing affiliation and for the modification or alteration of the terms thereof.

Dissolution of  
affiliation.

(19) To fix and determine the fees to be paid for post-graduate instruction, and for instruction in the faculties of medicine and applied science and engineering, and in any other faculty that may hereafter be established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory fees, the gymnasium fees, the fees for physical examination and instruction, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities in that behalf teaches any part of the course in Arts, to make such a reduction in the fees, payable by the students so taught in such college as may to the Board seem reasonable.

Fees.

(20) To enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty or department thereof, and the governing body of any such school which is a Collegiate Institute, a High School, a Technical School, or a public school, shall have authority, with the approval of the Lieutenant-Governor in Council, to make such arrangements with the Board.

Arrangements  
with secondary  
and primary  
schools.

Alterations in constitution.

40. The Board shall have power to modify, alter and change the constitution of any body constituted or continued by this Act, except the Senate, and to create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also to confer upon the bodies constituted or continued by this Act, or any or either of them, and upon any new body which hereafter may be constituted, such powers as to the Board may seem meet, but nothing herein contained is to be taken to authorize any abridgement of the powers by section 54 of this Act conferred upon the Senate.

Committee of students.

41.—(1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, and which shall be the recognized official medium of communication on behalf of such students between them and the Board, and which shall have the right to make communications through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested. Provided, always, that nothing herein contained shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body (as the case may be), and in no other manner whatsoever.

Proviso.

Control of federated institution over students not affected.

(2) Nothing in this section contained is intended to or shall impair or affect the right of control which any federated university or college possesses over its students.

Endowment not to be impaired without consent of Government.

42.—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the present endowment of the University and University College, or any addition to such endowment which shall hereafter be made, unless an estimate therefor shall have been first made and approved by the Lieutenant-Governor in Council.

“Endowment,” meaning of.

(2) In this section the term “endowment” shall mean and include the real property which is by this Act vested in the Board, the proceeds of any part thereof which shall hereafter be sold, and the moneys now invested in mortgages or other securities which are by this Act vested in the Board.

Expenditure beyond annual income.

(3) The Board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings unless the same can be met and shall be provided for out of the annual income of the year, or shall be sanctioned by the Lieutenant-Governor in Council.

43. Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by resolution or by statute, as the Board may determine, but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it be authenticated in the manner prescribed by the Board.

Action of Board by resolution or statute.

44.—(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor in Council for that purpose.

Accounts of Board, audit of

(2) The Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding thirtieth day of June, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor in Council may from time to time require.

Annual report to Government.

(3) Such report shall be transmitted to the Provincial Secretary on or before the first day of December next after the close of the year for which it is made, and shall be laid before the Legislative Assembly within the first ten days of its then next session.

When report to be transmitted.

45. No action shall be brought against the Board or against any member thereof on account of anything done or omitted by him in the execution of his office without the written consent of the Attorney-General for Ontario.

Consent of Attorney-General to actions against Board.

46. If any question shall arise as to the powers and duties of the Council of University College, of the council of any faculty, of the Caput, of the President, of the Principal of University College, or of any officer or servant of the University or of University College, the same shall be settled and determined by the Board, whose decision shall be final.

Powers of Board as to deciding questions as to powers and duties.

#### THE SENATE.

47. The Senate of the University shall be composed as follows:

Senate, how composed.

(1) The Chancellor of the University, the Chairman of the Board, the President of the University, the Principal of University College, the President or other head of every federated university and federated college, the Deans of the faculties of the University, and all persons who at any time have occupied the office of Chancellor or Vice-Chancellor of the University shall be *ex-officio* members.

Chancellor and heads of colleges, etc

(2)

Faculties, representation of.

(2) The Faculties shall be entitled to representation as follows:

The Faculty of Arts of the University by the professors (not including associate professors) of the faculty, each of whom shall be a member of the Senate;

The Faculty of Medicine by five members;

The Faculty of Applied Science and Engineering by five members;

The Faculty of University College by three members;

The Faculty of Arts of Victoria University by three members;

The Faculty of Arts of Trinity College by three members;

And the Faculty of Arts of every university hereafter federated with the University by three members.

The representatives of the Faculties of the University except of the Faculty of Arts, and the representatives of the Faculty of University College and of the Faculties of Arts of the federated universities, shall be chosen by the members thereof.

Federated universities and colleges, law society and affiliated colleges, representation of.

(3) One member appointed by each federated university, two members appointed by each federated college, one member appointed by the Law Society of Upper Canada, and subject to any Statute in that behalf one member appointed by the governing body of every affiliated college which now is or shall hereafter be entitled to appoint a representative.

Graduates, representation of.

(4) Twelve members elected by the graduates in Arts in the University who at the time of graduation were enrolled in University College; five members elected by the graduates in Arts and Science of Victoria University and the graduates in Arts of the University who at the time of graduation were enrolled in Victoria College; five members elected by the graduates in Arts and Science of Trinity College and the graduates in Arts of the University who at the time of graduation were enrolled in Trinity College; four members elected by the graduates in Medicine; two members elected by the graduates in Applied Science and Engineering; two members elected by the graduates in Law; two members elected by the graduates in Agriculture; and four members elected by such persons as hold certificates as Principals of Collegiate Institutes or High Schools or Assistants therein, and are actually engaged in teaching in a Collegiate Institute or a High School.

Universities hereafter federated, representation of.

(5) A university hereafter federated with the University shall be entitled to be represented on the Senate in the proportion of one representative for every one hundred graduates



graduates in Arts, and for any fraction of one hundred over one-half the federated university shall be entitled to one additional representative; provided, always, that in no case shall the number of such representatives exceed five.

(6) If and when any new faculty is established in the University provision may be made by the Senate, subject to confirmation by the Board, for the representation on the Senate of the graduates in such faculty.

Faculties here-  
after estab-  
lished.

48. Members of the teaching staff of the University, of University College, of the federated universities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies.

Members of  
teaching staffs  
not to be  
elected.

49. No person shall be eligible for election as Chancellor or for election or appointment as a member of the Senate unless he is a British subject and a resident of the Province of Ontario.

Chancellor  
must be a Brit-  
ish subject,  
resident in  
Ontario.

50. The tenure of office of the elected and the appointed members of the Senate shall be for four years, and until their respective successors are elected or appointed.

Tenure of  
office of Senate.

51. If any elected or appointed member of the Senate resigns, goes to reside out of the Province, becomes insane or incapable of acting, or becomes a member of the teaching staff of any of the bodies mentioned in section 48, not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof.

Vacancies in  
Senate.

52. If any vacancy shall occur from any cause, the same shall be filled, in the case of an appointed member, by the body possessing the power of appointment; and in case of a member elected by the graduates or by any class of graduates, or by the principals of Collegiate Institutes and High Schools, and assistants therein, such vacancy shall be filled by the Senate, and the persons appointed or elected to fill such vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant.

Filling vacan-  
cies in Senate.

53. If any question shall arise touching the election of the Chancellor or of any elective member of the Senate, or the right of any person to be or sit or act as Chancellor or as a member of the Senate, the same shall not be raised or determined in or by any action or proceeding in any court,

Disputes as to  
election or  
right to sit.

court, but shall be determined by the Senate, whose decision shall be final.

Powers and  
duties of  
Senate.

54. In addition to such others as are expressly mentioned in this Act, the Senate shall have the following powers and perform the following duties:

Regulating  
proceedings.

(1) To provide for the regulation and conduct of its proceedings, including the determining of the quorum necessary for the transaction of business;

Degrees.

(2) To provide for the granting of and to grant degrees, including honorary degrees and certificates of proficiency, except in theology;

Exhibitions,  
etc.

(3) To provide for the establishment of exhibitions, scholarships and prizes;

Affiliation of  
colleges.

(4) To provide for the affiliation with the University of any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof;

Cancellation or  
suspending  
degrees.

(5) To provide for the cancellation, recall and suspension of the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University who has heretofore been or shall hereafter be convicted in the Province of Ontario or elsewhere of an offence which, if committed to Canada, would be an indictable offence, or who has been or shall hereafter be guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University; for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any such statute; and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any of the said matters, and for the purpose of making such inquiry the Senate and the committees thereof shall have all the powers which are by *The Revised Statute respecting Inquiries concerning Public Matters* conferred upon commissioners appointed under the provisions of the said Revised Statute;

Rev. Stat.  
c. 19.

Establishment  
of faculties  
departments,  
etc.

(6) To provide for the establishment of any faculty, department, chair and course of instruction in the University;

Departments,  
etc., in Univer-  
sity College.

(7) To provide for the establishment of any department, chair and course of instruction in University College in any subject except theology;

(8)

(8) To appoint scrutineers for the counting of the votes for Chancellor and for elective members of the Senate; Scrutineers at election.

(9) To consider and to determine on the report of the respective faculty councils as to the courses of study in all the faculties; Considering reports of faculty councils.

(10) To consider and determine as to all courses of study to which subsection 9 does not apply; Courses of study.

(11) To consider and to determine on the report of the respective faculty councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties; Examiners and Examinations.

(12) To provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties of the University and for the determining of the results of such examinations. University examiners and examinations.

(13) To hear and determine appeals from decisions of the faculty councils upon applications and memorials by students and others; Appeals from faculty councils.

(14) To consider all such matters as shall be reported to it by the Council of any faculty, and to communicate its opinion or action thereon to the Council; Reports from faculty councils.

(15) To provide for the representation on the Senate of any faculty which may hereafter be established in the University, and of the graduates in such faculty, if, in the opinion of the Senate, provision should be made for separate representation of such graduates; Representation of new faculties on Senate.

(16) To provide for the preparation and publication of the Calendars, which shall include those of University College and the federated universities, or such of them as may desire that their calendars shall be inserted therein; Calendars.

(17) To make rules and regulations for the management and conduct of the Library, and to prescribe the duties of the Librarian; Library and librarian.

(18) To make such changes in the composition of the Senate as may be deemed expedient; Changing composition of Senate.

(19) To make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act. Recommendations to Board.

55.—(1) Nothing in section 54 contained shall authorize the Senate to make any change in its composition which shall affect the rights of representation thereon of a federated university or the faculty of Arts thereof, or of a federated

ated college, or of the graduates of a federated university, unless the same shall be assented to by the federated university or college affected by such change.

Senate may take initiative in changing courses of study.

(2) Nothing in this Act contained shall prevent the Senate from taking the initiative in determining as to any course of study or any change therein, but before passing any statute providing therefor the Senate shall refer to the appropriate faculty council the proposition under consideration for inquiry and report thereon by such faculty council.

Statutes of Senate as to certain matters to be subject to approval of Board.

56. A certified copy of every statute or other enactment of the Senate providing for any of the matters or things mentioned in section 54 and therein numbered 3, 4, 5, 6, 7, 9, 10, 15, 17 and 18 shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board.

Convocation,—how composed.

57. Convocation shall consist of all the graduates of the University and of the federated universities.

Powers of convocation.

58. Convocation shall have power:

Regulations as to proceedings.

(1) To make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof;

Appointment and duties of clerk.

(2) To appoint a Clerk of Convocation, and to prescribe his duties;

Presiding officer.

(3) In case of the absence of the Chancellor, to elect a presiding officer for any meeting thereof;

Representations to Board and Senate.

(4) To consider all questions affecting the interests and well-being of the University, and to make representations thereon to the Board and to the Senate;

Fee of members

(5) To require a fee to be paid by the members as a condition of their being placed on the register of members, and to provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation;

Executive Committee.

(6) To appoint an Executive Committee and to confer upon it such powers as to Convocation may seem meet.

Meetings of convocation.

59. Convocation shall meet when convened by the Chancellor, and also at such times and places as may be fixed by Convocation by regulation in that behalf, and in the absence of such regulation, as may be fixed by Convocation or by the Executive Committee thereof, and it shall be the duty of the Board to provide a suitable place for its meetings.



**60.** Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation in that behalf, and in the absence of such regulation as may be directed by Convocation or by the Executive Committee thereof.

Notice of meetings.

**61.** A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate.

Minutes to be sent.

**62.** All questions shall be decided by the vote of the majority of the members present.

Majority vote to decide.

**63.** The Chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived.

Chairman may vote as member

**64.** No question shall be decided at any meeting unless at least twenty-five members are present.

Quorum.

**65.** If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the Chairman to convene a special meeting of Convocation, it shall be the duty of the Chairman to call the same without any unnecessary delay.

Special meetings.—how called.

**66.** No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called.

Special meeting to be confined to object.

**67.** There shall be a Chancellor of the University, who shall be elected by the graduates thereof at the time and in the manner hereinafter mentioned.

Chancellor.

**68.** The Chancellor shall be the Chairman of Convocation.

Chancellor to be chairman of convocation.

**69.** All degrees shall be conferred by the Chancellor, or, in case of his absence, or of their being a vacancy in the office of Chancellor, by the President, or, in case of the absence of both of them, or of both offices being vacant, by some member of a faculty of the University, to be appointed for the purpose by the Senate.

Degrees to be conferred by chancellor or president.

**70.** The Chancellor shall hold office for four years, and until his successor is chosen.

Term of office.

Vacancy in  
office of  
chancellor.

71. If the Chancellor dies, goes to reside out of the Province, or becomes insane or otherwise incapable of acting, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy by the Senate entered upon its minutes shall be conclusive evidence thereof.

Filling  
vacancy.

72. In the case of a vacancy in the office of Chancellor caused by death, resignation or otherwise, before the term of office for which the Chancellor was elected has expired, the vacancy shall be filled by the appointment by the Senate at a special meeting thereof called for the purpose, of which at least thirty days' notice shall be given, of a successor, who shall hold office for the remainder of the term for which the Chancellor shall have been elected.

Council of  
Faculty of  
Arts.

73. There shall be a faculty council to be known as "The Council of the Faculty of Arts."

Composition of  
council.

74. It shall consist of the President of the University, the Principal of University College, the President or other head of every federated university, the Dean of the Faculty of Arts, the teaching staff in the Faculty of Arts of the University, the teaching staff of University College, the teaching staff in the Faculty of Arts of Victoria College, of Trinity College, and of every other university hereafter federated with the University, one professor in the department of religious knowledge appointed by the theological faculty in each federated university whether now or hereafter federated, and one professor appointed by each of the federated colleges. Provided, always, that the lecturers and instructors whose appointments are temporary, shall not for the purpose of this section be deemed to be members of the teaching staff, and provided, also, that the lecturers and instructors who are members of the Council shall act as assessors only, and shall not be entitled to vote.

Proviso.

Proviso.

Powers and  
duties of  
council.

75. The powers and duties of the Council of the Faculty of Arts shall be:

Regulating  
procedure.

(1) To make rules and regulations for governing its proceedings, including the determining of the quorum necessary for the transaction of business;

Courses of  
study.

(2) To fix and determine the courses of study in Arts, subject to the approval of the Senate;

Examiners and  
examinations.

(3) Subject to the approval of and confirmation by the Senate, to appoint the examiners for and to conduct the examinations of the Arts courses, and to determine the results of such examinations;

(4)

(4) To deal with and, subject to an appeal to the Senate, to decide upon all applications and memorials by students or others in connection with the Faculty of Arts; Applications and memorials by students.

(5) To consider and report to the Senate upon such matters affecting the Faculty of Arts as to the Council may seem meet. Report to Senate.

(6) For the purposes of this section the term "the Faculty of Arts" shall mean and include the teaching of bodies and persons mentioned in section 74. "Faculty of Arts," meaning of.

76. There shall also be a Council for every other faculty of the University now or hereafter established, and a Council for University College. Council for every other faculty.

77. The Council of University College shall consist of the Principal and the teaching staff thereof and the Councils of the said other faculties shall consist of the respective teaching staffs thereof. Council of University College.

78. "Teaching staff" shall have the limited meaning given to it in the provisions of this Act relating to the Council of the Faculty of Arts, and the lecturers and instructors who are members of such Councils shall act as assessors only, and shall not be entitled to vote. "Teaching staff," meaning of.

79. The powers and duties of the Faculty Councils provided for by section 76 shall be: Powers and duties of faculty councils.

(1) To make rules and regulations governing their proceedings, including the determining of the quorum necessary for the transaction of business; Regulating procedure.

(2) Subject to the provisions of this Act, and to the approval of the Board, to make rules and regulations for the government, direction and management of their respective faculties and the affairs and business thereof; Rules and regulations.

(3) To fix and determine the courses of study in their respective faculties, subject to the approval of the Senate; Courses of study.

(4) Subject to the approval of and confirmation by the Senate, to appoint the examiners for and to conduct the examinations of the courses in their respective faculties, and to determine the results of such examinations; Examiners and examinations.

(5) To deal with and, subject to an appeal to the Senate, to decide upon all applications and memorials by students and others in connection with their respective faculties; Applications and memorials from students.

(6) To consider and report to the Senate upon such matters affecting their respective faculties as to the Councils may seem meet. Report to Senate.

80. Except in the case of the Council of the Faculty of Arts, the Dean shall be Chairman of the Council of the Faculty of which he is Dean. Dean to be chairman of every faculty except Arts.

Council of University College, powers and duties.

81. The powers and duties of the Council of University College shall be :

Governing procedure.

(1) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business;

Management of University College.

(2) Subject to the provisions of this Act and to the approval of the Board, to make rules and regulations for the government, direction and management of University College and the affairs and business thereof;

Examiners and examinations.

(3) To appoint the examiners for and to conduct the examinations of University College;

Report to Board and Senate.

(4) To consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as to the Council may seem meet.

Principal to be chairman of council.

82. The Principal of University College shall be the Chairman of the Council thereof.

Librarian to be *ex-officio* member of councils.

83. The Librarian of the University shall be *ex-officio* a member of all faculty councils and of the Council of University College.

'Caput,' how composed.

84. Unless and until otherwise provided by the Board, there shall be a Committee to be called the Caput, which shall be composed of the President of the University, who shall be the Chairman thereof; the Principal of University College, the heads of the federated universities, the heads of the federated colleges, and the Deans of the faculties of the University, and the presence of at least five of the members of the caput shall be necessary to constitute a quorum for the transaction of business.

Powers and duties.

85. The Caput shall have the following powers and perform the following duties :

Time tables for lectures, etc.

(1) To fix and determine the time tables for the lectures and other instruction in the University which affect more than one faculty, or which affect University College, or a federated university or college;

Authorizing lecturing and teaching.

(2) To authorize such lecturing and teaching in the University by others than the duly appointed members of the teaching staff thereof, and to prevent all lecturing and teaching not so authorized;

Disciplinary powers.

(3) To exercise the powers as to discipline conferred upon it by sections 96 to 99 inclusive of this Act;

Matters assigned to caput by Board or Senate.

(4) Generally to deal with all such matters as may be assigned to it by the Board or by the Senate, provided, in the latter case, that such matters fall within the powers conferred upon the Senate by this Act.



86. A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board.

Rules or regulations to be approved by Board.

87. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control.

Caput may advise president.

88.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of the University, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

President of University.

(2) He shall be a member of all faculty councils, and Chairman of the Council of the Faculty of Arts.

To be a member of all faculty councils.

(3) He shall be Chairman of the Senate.

Chairman of Senate.

(4) In the absence of the Chancellor, he shall confer all degrees.

To confer degrees in absence of chancellor.

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

To call meetings of Council of Faculty of Arts.

(6) He shall have power to suspend any member of the teaching staff of the University and of University College, and any officer and servant mentioned in subsection 1 and when he shall exercise such power he shall forthwith report his action to the Board, with a statement of his reasons therefor.

Suspending members of staff.

(7) He shall make recommendations to the Board as to all appointments to and all promotions in, and removals from the teaching staff of the University, and of University College (including the Principal), and of the officers and servants mentioned in subsection 1.

Recommendations to Board as to appointments, etc.

(8) He shall have the right to summon meetings of any faculty council, and of the Council of University College, whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present.

Summoning meetings of faculty councils.

(9) He may also, at his discretion, convene joint meetings of all the faculty Councils and the Council of University College or of any two or more of them.

Convening joint meeting of councils.

(10) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of the University and of University College, and as

Annual report to Board.

to their progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate.

Mention of  
express powers  
not to limit  
general powers.

(11) The enumeration of the express powers mentioned in subsections 4 to 11, inclusive, shall not be taken to limit the general powers conferred by subsection 1.

President may  
appoint a sub-  
stitute in case  
of absence or  
illness.

89. Subject to the provisions of section 91 in case of his absence or illness the President may appoint a member of any faculty to act in his stead, and if there is a vacancy in the office of President, or if no appointment is made, the Board may appoint a member of any faculty to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the faculty of Arts of the University shall act as President *pro tempore*.

Powers of  
President *pro*  
*tem*.

90. The person acting pursuant to any such appointment shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions and removals, unless he shall be requested by the Board to do so.

Vice-President  
to act as Presi-  
dent *pro tem*.

91. When and so long as there is a Vice-President of the University he shall act for the President in case he is absent or ill, if there is a vacancy in the office, or at the request of the President, and while so acting the Vice-President shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions, and removals, unless he shall be requested by the Board to do so.

Principal of  
University  
College.

92.—(1) There shall be a principal of University College, who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board.

To be a member  
of faculty of  
Arts.

(2) He shall be a member of the Council of the Faculty of Arts.

To call meet-  
ings of Council  
of University  
College.

(3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he shall exercise such power he shall forthwith report his action to the President with a statement of his reasons therefor.

May suspend members of staff of College.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President.

Annual report to Board and Senate.

(6) In case of the absence or illness of the principal he may appoint a member of the teaching staff of University College to act for him and failing an appointment and until it is made by him, or if there be a vacancy in the office of principal the senior member of the teaching staff of University College shall act as principal *pro tempore*.

Absence or vacancy in office of Principal.

93. There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person.

Registrars for university and university college.

94. The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences.

Disciplinary jurisdiction of governing bodies.

95. The councils of such of the faculties as shall have assigned for their separate use any building or buildings and grounds, including residences, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties in respect of all matters arising or occurring in or upon such building, or building and grounds.

Disciplinary jurisdiction of faculty councils.

96. In all other cases, and, save as aforesaid, as respects all students to whatsoever college or faculty they may belong, disciplinary jurisdiction shall be vested in the Caput, but the Caput may delegate its authority in any particular case or by any general regulation to the council or other governing body of the university or college or faculty to which the student belongs.

Disciplinary jurisdiction of Caput.

97. The Caput shall also have power and authority to determine by general regulation, or otherwise, to what college

Control of college associations.

lege

lege, faculty or other body the control of university associations shall belong.

Powers of  
Caput as to  
discipline.

**98.** If there shall be any question as to the proper body to exercise jurisdiction in any matter of discipline which may arise, the same shall be determined by the Caput, whose decision shall be final.

Power to im-  
pose fines.

**99.** Disciplinary jurisdiction shall include the power to impose fines.

Power to abro-  
gate or change  
provisions as to  
discipline.

**100.** As respects the conduct and discipline as students of the University of all students registered in the University to whatsoever college or faculty they may belong and as respects all students enrolled in University College the provisions of sections 94 to 99 may be abrogated or changed by the Board.

First election  
of Chancellor  
and members  
of senate,

**101.**—(1) The first election under this Act of the Chancellor and of the elective members of the Senate shall take place and be held in the present year, and the present incumbents of the said offices and the appointed members of the Senate, unless they shall be re-elected or re-appointed, shall cease to hold office immediately after the meeting of the Senate next following the holding of such election.

Quadrennial  
elections of  
senate.

(2) The elective members of the Senate shall be elected and the appointed members thereof shall be appointed thereafter quadrennially.

"Election  
Register."

**102.** The Registrar of the University shall, after the fifteenth day of June, and before the fifteenth day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at any such election.

Register to be  
posted up in  
offices of  
Registrar.

**103.** The election register shall be posted up in a conspicuous place in the office of the Registrar not later than the fifteenth day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours.

Persons not to  
vote unless  
names on  
register.

**104.** No person whose name does not appear in the election register shall be entitled to vote at any such election.

When election  
register is not  
duly prepared.

**105.** If from any cause the election register is not prepared at the time and in the manner provided by this Act,  
the



the Board shall make provision for the preparation thereof, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register which shall be so prepared.

106. For the purposes of all elections at which graduates of a federated university are entitled to vote, the Registrar of such University shall on or before the fifteenth day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar of the University a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as the same are known.

List of graduates entitled to vote to be furnished to federated university.

107. The Education Department shall, upon the application of the Registrar of the University, furnish him, on or before the first day of August in such year, with a list of all principals of and assistants in Collegiate Institutes and High Schools who are actually engaged in teaching in a Collegiate Institute or High School, with their post office addresses as far as known.

Education Department to furnish list of principals and assistants in High Schools.

108. The Registrar, in preparing the election register, shall make separate lists (1) of the graduates in Arts of the University enrolled in University College; (2) of the graduates in Arts of each federated university, including graduates of the University who were at the time of graduation enrolled in the federated university; (3) of the graduates in Medicine; (4) of the graduates in Law; (5) of the graduates in Applied Science and Engineering; (6) of the graduates of each and every other faculty in the University hereafter constituted, the graduates of which are entitled to elect representatives; (7) of the graduates in Agriculture; and (8) of the principals of and assistants in Collegiate Institutes and High Schools actually engaged in teaching in a Collegiate Institute or High School, and such lists shall be the voters' lists for the election.

Separate lists of different classes of persons entitled to vote.

109. If any person whose name appears or ought to appear in any election register complains in writing to the Registrar of the University, not later than ten clear days before the second Wednesday of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to

Complaints as to errors and omissions in lists.

any

any person whose name is sought to be stricken from such register, rectify the error, if any, therein.

Appeal from  
decision of  
registrar.

110. The decision of the Registrar shall be subject to appeal to the President of the University.

Nomination of  
chancellor.

111. No person shall be elected as Chancellor, or as a member of the Senate, unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void.

Nomination to  
be in writing.

112. The nomination shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election.

Delivery of  
nomination  
paper to regis-  
trar.

113. The nomination paper shall be delivered at the office of the Registrar, or, if sent by mail, shall be received there not later than the first Wednesday in September of the year in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon.

Refusal to  
become a  
candidate

114. Any person who is nominated for the office of Chancellor or as a member of the Senate may refuse to become a candidate for the office for which he shall have been nominated and he shall be deemed not to have been nominated, and his name shall not be included in the list of candidates if he shall notify the Registrar in writing of his refusal within four days after the day upon which the time for nominations shall have expired.

Election by ac-  
clamation.

115. In case one person only is nominated for the office of Chancellor within the time fixed for that purpose he shall be elected to and be entitled to hold that office.

Election of  
senate by ac-  
clamation.

116. In case only such number of persons as are required to be elected as members of the Senate are nominated within the time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the office for which they were respectively nominated.

Report of result  
of election to  
senate.

117. The Registrar shall report to the Senate at its next meeting the results of any such election.

Voting papers  
to be sent to  
graduates.

118. In case a poll is necessary the Registrar shall on or before the second Wednesday in the said month of September send by mail to every graduate who, according to the

the election register, is entitled to vote at the election, and whose place of residence is shewn in such register, or is known to the Registrar, a voting paper in the form set out in schedule 1 to this Act, together with a list of the persons whose term of office is expiring, and of all persons who have been nominated.

119. The votes shall be given by closed voting papers, <sup>Votes, how given.</sup> which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the second Wednesday of the said month of September, and not later than the first Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received as aforesaid shall be invalid, and shall not be counted.

120. Two persons to be appointed by the Senate for that <sup>Scrutineers.</sup> purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, it shall be the duty of the President to make the appointment.

121.—(1) The voting papers shall, upon the next day <sup>Opening and counting votes.</sup> after the time for receiving the same has expired, be opened by the Registrar, and such persons as may be appointed by the President to assist in the opening thereof, in the presence of the President and of the scrutineers to be appointed as hereinbefore mentioned, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until the same are completed.

(2) In case the President is unable to be present, he shall appoint some person to act in his stead.

122. Any person entitled to vote at the election may be <sup>Who may be present at count.</sup> present at the opening of the voting papers and the counting and recording of the votes.

123. If more than one name appears upon a voting paper <sup>When voter gives more votes than entitled to.</sup> for Chancellor the vote shall be invalid, and shall not be counted, and if more names than the number to be elected appear on a voting paper for members of the Senate the votes shall be counted as votes for the persons whose names appear thereon in consecutive order, beginning with the first until the required number is reached, and all other votes thereon shall be invalid, and shall not be counted.

Declaration of  
result.

**124.** Upon the completion of the scrutiny and counting of the votes the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate.

Senate to have  
casting vote.

**125.** In case of an equality of the votes given for two or more persons for Chancellor or for a member or members of the Senate, which leaves the election undecided, the Senate shall, at its next meeting, give the casting vote or votes necessary to decide it.

When election  
not held as  
provided.

**126.** If from any cause any election provided for by this Act shall not be held as hereinbefore provided, the Board shall make provision for holding the same and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be made conformable with those provided by this Act.

Course of in-  
struction in  
Arts.

**127.** The course of instruction in the Faculty of Arts shall be apportioned between the University and University College as follows :

University  
courses.

(1) In the University instruction shall be given in Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry, Biology, Physiology, History, Ethnology, Comparative Philology, Italian, Spanish, History of Philosophy, Psychology, Logic, Metaphysics, Education, Political Science, including Political Economy, Jurisprudence and Constitutional Law, and Constitutional History, and in such other subjects as, from time to time, may be determined by statute in that behalf.

University  
College  
Courses.

(2) In University College instruction shall be given in Greek, Latin, Ancient History, English, French, German, Oriental Languages and Ethics, and in such other subjects as may, from time to time, be determined by statute in that behalf, but not in theology.

Consent of  
federated uni-  
versities re-  
quired to trans-  
fer of subjects.

**128.** The subjects of instruction assigned by section 127 of this Act to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities.

University  
curriculum in  
Arts to include

**129.—(1)** The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical Literature, Christian



Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

<sup>1</sup>  
certain theo-  
logical subjects.

(2) The options provided for by subsection 1 shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses.

Distribution of  
options over  
years of  
course.

130. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance by a student enrolled in a federated university, in University College, shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place.

Attendance at  
lectures in  
federated  
universities.

131. Save as otherwise provided by the Board, a professor, lecturer or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects of instruction. Provided, always, that the consent of the Principal of University College and of the federated university or universities concerned and the approval of the Senate shall have been first obtained.

Interchange of  
lectures with  
federated  
universities.

132. Instruction in Arts in the University (except post-graduate instruction) shall be free to all regular matriculated students thereof who are enrolled in University College or in a federated university, and who enter their names with the Registrar of the University, but this provision shall not include exemption from laboratory fees, gymnasium fees, or fees for physical examination or instruction.

Instruction in  
Arts to be free  
except as to  
certain fees.

133. The table of fees now prescribed for University College shall be the minimum table of fees for University College and for the Arts faculties of the federated universities

Minimum  
table of fees.

ties

ties, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities.

Attendance on lectures as qualification to compete for exhibitions, etc.

**134.** Attendance upon instruction in University College or in a federated university by a student enrolled therein shall entitle such student to present himself for any Arts examination in and to proceed to any degree in Arts of the University, and to compete for any exhibition, scholarship, prize or certificate of proficiency in Arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University.

Federated colleges.

**135.** If and as far as may be sanctioned by the Senate and approved by the Board, the provisions of section 134 shall apply to attendance by a student of a federated or affiliated college upon instruction therein.

University students in Arts, enrolment of.

**136.**—(1) All students proceeding to a degree in Arts in the University, unless in cases for which special provision shall be made to the contrary by statute of the Senate, shall be enrolled in University College or in a federated university.

Registration of students.

(2) Subject to the provisions of the statutes of the Senate in that behalf, all students proceeding to a degree in any faculty of the University other than that of Arts, unless in cases for which special provision shall be made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of subsection 2 of section 127 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or a federated university he has received instruction therein.

Occasional and graduate students

(3) All occasional and graduate students shall also be registered in the University.

Admission of candidates not students of the university.

**137.** Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degrees, honours, scholarships or certificates of proficiency authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine.

Qualifications or admission to university examinations

**138.**—(1) No student enrolled in University College or in a federated university or college or in an affiliated college shall

shall be permitted to present himself for any university examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

(2) A student enrolled in an affiliated college may, subject to the provisions of subsection 1 and of any statute in that behalf of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college. Provided, always, that such student shall not be entitled, unless by special permission of the Senate, to present himself for any examination leading to a degree in Arts or in any other faculty of the University.

Students enrolled in affiliated colleges.

Proviso.

139. Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority in that behalf of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine.

Diplomas, certificates, etc., to indicate students, university or college.

140.—(1) For the purpose of making provision for the maintenance and support of the University and of University College, there shall be paid to the Board out of the Consolidated Revenue of the Province yearly and every year a sum equal to fifty per centum of the average yearly gross receipts of the Province from succession duties.

Annual grant to University of portion of revenue from succession duties.

(2) The said annual sums shall be paid in equal half-yearly instalments on the first day of July and the first day of January in each year, the first of which shall be paid on the first day of July next, and the average yearly gross receipts of the Province from succession duties shall be determined by and be based upon the gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid.

How payable.

(3) If in any year the amount which shall be payable to the Board under the provisions of subsections 1 and 2 shall exceed the amount of the estimated expenditure for the maintenance and support of the University and of University College for the academic year in respect of which such sum is payable, it shall be lawful for the Lieutenant-Governor in Council to direct that the excess shall be added to the permanent endowment of the University and University College, or that the same shall be set apart by the Board as a contingent fund to provide for the event of the

When amount of grant is in excess of annual expenditure.

amount

amount which shall be payable to the Board as aforesaid being in any future year or years insufficient to defray the cost of such maintenance and support as aforesaid; or that the same be applied in expenditures on capital account; of that such excess shall be applied or dealt with wholly or in part in each or any or either of the said ways, and to direct if it shall be deemed proper to do so that except in so far as such excess shall not be directed to be applied or dealt with in manner aforesaid that the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly.

(4) The Lieutenant-Governor in Council may direct that there shall be deducted from the first payment to be made to the Board under the provisions of this section, such sum as he may determine to be equal to so much of the proposed expenditure by the Board for the latter half of the current year for the maintenance of the Faculty of Applied Science and Engineering as has been provided for by the appropriations for the current year out of the Consolidated Revenue for the maintenance of the School of Practical Science which are by section 13 of this Act vested in the Board.

Rights of  
Trinity College  
under federa-  
tion agreement

**141.** Nothing in this Act contained shall impair or prejudicially affect the rights of Trinity College under those provisions of the agreement made between the Trustees of the University of Toronto of the first part and Trinity College of the second part and bearing date the twenty-fifth day of August, 1903, which are set out in schedule 2 to this Act, but such provisions shall continue to be and shall remain binding on the University.

Arrangements  
for removal of  
Trinity College  
to Queen's  
Park.

**142.—(1)** The Board shall have power to make such arrangement as it may deem expedient for the purpose of facilitating the removal of Trinity College to Queen's Park. and to that end to agree to such modifications and alterations of the terms of the said agreement bearing date the twenty-fifth day of August, 1903, under the provisions of which Trinity College became federated with the University, and to agree to such additional or substituted terms, financial or otherwise, as to the Board may seem meet, but no such agreement shall have any force or effect until it has been approved by the Lieutenant-Governor in Council, but when so approved such agreement shall have the same force and effect as if the terms thereof had been embodied in this Act.

Loan to Trinity  
may be guar-  
anteed by  
Province.

(2) In the event of its being necessary in order to the carrying out of any agreement which may be entered into under the provisions of subsection 1, that to enable Trinity College to remove its seat to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan



a loan to be raised by Trinity College should be guaranteed by the Province it shall be lawful for the Lieutenant-Governor in Council for and in the name of the Province to guarantee the repayment of the loan in such form and upon and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due, and otherwise as to the Lieutenant-Governor in Council may seem meet.

(3) Trinity College is hereby authorized and empowered to make and enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 1, and to make and execute all such agreements, deeds and other instruments as may be deemed necessary to carry into effect the provisions of any such agreement.

Trinity College  
authorized to  
enter into  
agreement  
as to removal.

(4) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal as aforesaid, and the terms of any agreement which may be entered into as aforesaid in reference thereto, and may execute such deeds, bonds, debentures and other instruments as may be deemed necessary for the purposes of such security as aforesaid, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet.

Borrowing  
powers of  
Trinity College

143.—(1) The Board may stop up and close the highway or street in the City of Toronto called Devonshire Place, and if and when a statute for that purpose shall be passed by the Board and registered as hereinafter mentioned, the said highway or street shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College

Board may  
close Devon-  
shire place.

(2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the said highway or street compensation for the damage or injury occasioned to such lots by the closing of the said highway or street, and the amount of such compensation shall be ascertained and determined in the manner provided for by subsection 8 of section 39 of this Act.

Compensation  
to owners of  
adjoining  
lands.

(3) Any statute which may be passed under the provisions of this section may be registered in the Registry Office for the western division of the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof.

Registration of  
statute closing  
Devonshire  
Place.

Wallbridge  
scholarship.

**144.** If the Board shall be satisfied that the bequest made by Asa Forbes Wallbridge by his last will and testament, bearing date the twelfth day of April, 1899, of two shares of the capital stock of the Bank of Toronto, which by the said will are bequeathed to the Chancellor of the University of Toronto to be held by him and his successors in office in trust to apply the dividends thereof as a prize or scholarship to be awarded to the most proficient student of the said University at the annual examinations in the Greek New Testament, was intended for the benefit of the students of Victoria University it shall be lawful for the Board to transfer the said shares to the Chancellor of the said last mentioned University to be held by him and his successors in office in trust to apply the dividends thereof as a prize or scholarship to be awarded to the most proficient student of Victoria University at the annual examinations in the Greek New Testament, and the said shares shall thereupon and thereafter be held by the Chancellor of Victoria University and his successors in office upon the last mentioned trust instead of the trust declared by the said will, and the Chancellor of the University of Toronto and his successors in office shall be discharged from all liability in respect of the said shares and the application of the dividends thereof.

When federated college may become a college of the university.

**145.** If and when a college now or hereafter federated with the University shall establish a faculty of Arts in which instruction in the subjects of the course of study in Arts not being University subjects shall be provided and a statute of the Board shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the faculty of Arts as is by section 74 of this Act given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar of the University shall be entitled to the privileges which are by section 132 conferred upon the students mentioned therein.

5 Edw. VII.  
c. 37, s. 8  
amended.

Crown authorized to grant former site of Parliament Buildings to University.

**146.** Section 8 of the Act passed in the fifth year of the reign of His Majesty, chapter 37, is hereby amended by adding thereto the following: "and the Lieutenant-Governor in Council is hereby authorized and empowered to grant to the Board the said site subject to the lease thereof to the Grand Trunk Railway Company of Canada and the option of purchase contained in the said lease, and the Board may until the sale thereof is completed and the purchase money received apply out of the endowment of the University and

University College the money required to be expended in the erection and equipment of the said buildings.

147. The Acts and parts of Acts mentioned in schedule 3 to this Act are hereby repealed to the extent mentioned in the said schedule. Former provisions repealed.

148. This Act shall go into force and take effect on the 15th day of June next after the passing thereof. Commencement of Act.

## SCHEDULE 1.

(Section 118.)

### FORM OF VOTING PAPER.

University of Toronto, Election,

19 .

I, \_\_\_\_\_ resident at \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby declare:

(1) That the signature subscribed hereunto is of my proper handwriting.

(2) That I vote for the following person as Chancellor of the University of Toronto, viz., \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_

(3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ etc., etc.

(4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (*or of Medicine, or of Law, or of Applied Science and Engineering (or as the case may be) or as a Principal of or Assistant in a Collegiate Institute, or a High School, as the case may be.*)

(5) That this voting paper was signed by me on the day of the date thereof.

(6) That I vote in my right as graduate of \_\_\_\_\_ University (*or Principal of, or Assistant in a Collegiate Institute or a High School, as the case may be.*)

(7) (In the case of a Principal of, or Assistant in a Collegiate Institute or in a High School) That I am now actually engaged in teaching in a Collegiate Institute (*or in a High School, as the case may be*) viz., in the \_\_\_\_\_ at \_\_\_\_\_

Witness my hand this

day of

A.D. 19

A. B.

## SCHEDULE 2.

(Section 142.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto

of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act, 1901*, which are now conferred by Trinity University.

"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from that date to matriculate in the University of Trinity College under the regulations in force at the date of federation."



## SCHEDULE 3.

*(Section 147.)*

## Acts and parts of Acts repealed :

- R.S.O. cap. 300. The whole Act.  
1 Edw. VII., cap. 41. The whole Act.  
2 Edw. VII., cap. 43. The whole Act, except section 7.  
3 Edw. VII., cap. 36. The whole Act.  
4 Edw. VII., cap. 35. The whole Act.  
5 Edw. VII., cap. 36. The whole Act.  
5 Edw. VII., cap. 37. Sections 7 and 10.

## CHAPTER 56.

## An Act to amend the Act respecting the Agricultural College.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 302, s. 7,  
subs. 1,  
amended.

1. Subsection 1, of Section 7 of Chapter 302 of the Revised Statutes of Ontario, is hereby repealed and the following inserted in place thereof:

Appointment  
of Advisory  
Board.

Upon recommendation of the Minister of Agriculture, the Lieutenant-Governor in Council may appoint an Advisory Board to advise and assist the Minister of Agriculture in the management of the College and Farm, and may, by Order in Council, prescribe its duties and powers and also the period for which the members shall continue in office. The members appointed to the Board shall not exceed seven. The Board shall be composed as follows: The Deputy Minister of Agriculture, who shall act as Chairman; the President of the College, and three Graduates or Associates of the College, who shall be residents of the Province and who are not members of the staff. In addition, the Minister may recommend as members not more than two persons who are not Graduates or Associates of the College.

## CHAPTER 57.

An Act to amend The Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

*Assented to 14th May, 1906.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind*, being chapter 319 of the Revised Statutes of Ontario, is hereby repealed, and the following substituted therefor:—

Rev. Stat. c. 319, s. 7, repealed.

7. No person shall be admitted to either of such institutions except for the purposes of education and instruction, nor if over the age of twenty-one years, except upon the assent in writing of the Minister of Education, and upon the report of the Principal of such institution to the Minister of Education of the particulars and special circumstances which, in his opinion, justify such admission; and the maintenance and support of any person admitted to either of the said institutions shall be in the discretion of the Minister of Education. When such discretion has been exercised in favour of any person, the Principal of the institution, through which such maintenance and support are given, shall report every six months to the Minister of Education whether, in his opinion, a continuance of such maintenance and support is justifiable, giving the particulars and special circumstances upon which such opinion is founded. The Minister of Education may in any case annul any person's right of admission or of continuance in either of such institutions, and may annul or vary the terms of any person's continuance, support or maintenance therein.

Admission of persons to institution.

Maintenance.

Annulment of admission.

## CHAPTER 58.

## An Act respecting County Houses of Refuge.

*Assented to 27th April, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII.,  
c. 19, s. 524.

1. Section 524 of *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following subsections:

Maintenance  
of inmates of  
house of refuge  
who are posses-  
sed of means.

(8a) Where an inmate of a county house of refuge upon or at any time after his admission thereto, possesses or becomes possessed of or entitled to any real or personal property out of which the cost of his maintenance or any part thereof can be paid, then if any sum is due for such maintenance (and for the purpose hereof any sum paid by any local municipality to the county for such maintenance shall be considered as a sum due for maintenance from such inmate) and has not been paid by such inmate or by some person on his behalf other than such local municipality, a judge of the county court in which the house of refuge is situated, may on application of the county and upon such notice to such inmate as he may direct and for the purpose of securing payment of the cost of maintenance so due, or which may thereafter become due, order and direct that all or any part of the real and personal property of the inmate be vested in the treasurer of the county for the time being with full power to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such further or other order or direction limiting or extending the powers of the said treasurer with reference to such property as may be necessary and as he may think just and proper, due regard being had to the value of the said property, and as to what part, if any, of the same is necessary for the support and maintenance of the family of the inmate; but no lease, mortgage, conveyance or other document purporting to transfer the title in the said land

or



or any part thereof, shall be executed by the said treasurer until the said judge shall have signified his approval thereof by endorsement thereon.

(8b) The judge may, in and by any such order or direction make such provisions as he may think proper for the payment by the county treasurer to the treasurer of the local municipality of any sum paid by such local municipality to the county for the maintenance and support of such inmate.

(8c) The balance of any such property so vested in the treasurer shall, after the claims thereon as hereinbefore set out are fully paid and satisfied, go to the person or persons entitled thereto by law as if such vesting had not been ordered or according to the will or direction of such inmate.

2. The said Act is amended by inserting therein the following section: <sup>3 Edw. VII.,  
c. 19, amended</sup>

526a. It shall be the duty of the Inspector of Prisons and Public Charities of Ontario to visit and inspect every county house of refuge at least once a year and call for and inspect all books and papers relating thereto, and to examine into the sanitary condition of such houses and he shall report in writing to the Lieutenant-Governor in Council with respect to the state of management of each such house of refuge and shall make such recommendations and suggestions in relation thereto and to the methods of keeping the books and accounts of such institutions as he may deem best and a copy of such report shall be forthwith sent to the county clerk of the county in which the institution upon which such report is made is situated, or when any such house of refuge is under the direction or control of two or more counties then to the clerk of each of such counties. <sup>Inspection  
of houses of  
refuge.</sup>

## CHAPTER 59.

## An Act respecting the Toronto General Hospital.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

Short title.

1. This Act may be cited as *The Toronto General Hospital Act, 1906*.

## INTERPRETATION.

Meaning of certain words.

2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears.

"The Hospital."

(a) "The Hospital" shall mean the Toronto General Hospital.

"The Trustees."

(b) "The Trustees" shall mean the Trustees of the Toronto General Hospital.

"Subscribers."

(c) "Subscribers" shall mean Benefactors and Annual Subscribers as defined by this Act.

"The Corporation."

(d) "The Corporation" shall mean the Corporation of the Trustees of the Toronto General Hospital.

"The Board."

(e) "The Board" shall mean the Board of Trustees of the Toronto General Hospital.

## REPEAL OF PRESENT ACTS.

Extent of repeal of present Acts.

3. Any provisions contained in any former Act relating to the Toronto General Hospital which are inconsistent with this Act are repealed.

## INCORPORATION AND ELECTION OF TRUSTEES.

Election and appointment of 25 Trustees.

4. Until the appointment and election of the Trustees under the provisions of this Act shall have been made  
and

and held, the Corporation shall continue as at present constituted, and thereafter twenty-five Trustees, eight of whom shall be appointed by the Lieutenant-Governor in Council, five by the Trustees of the University of Toronto, five by the municipal council of the Corporation of the City of Toronto, and of whom seven shall be elected by the subscribers (as hereinafter provided) shall together be a body corporate by the name of "The Trustees of the Toronto General Hospital."

5. Within six months after the passing of this Act the said municipal council of the Corporation of the City of Toronto shall appoint five Trustees who shall hold office until the expiration of the year in which they are appointed and until others shall have been appointed in their places; and five shall be appointed annually thereafter in the month of January by the said municipal council and shall hold office during the remainder of the year in which they are appointed and until others shall have been appointed in their places.

Appointment  
of trustees by  
City of Toronto  
—and term of  
office of

Within the time aforesaid the Trustees of the University of Toronto shall appoint two Trustees to hold office from the date of their appointment until the 31st of January, A.D. 1908, two to hold office from the date of their appointment until the 31st of January, A.D. 1909, and one to hold office from the date of his appointment until the 31st of January, A.D. 1910, and shall in the month of January, A.D. 1908, and in the month of January in each year thereafter appoint Trustees in the place of those whose terms of office shall have expired to hold office for three years from the date of such expiration.

Appointment  
of Trustees by  
University  
of Toronto.

The Lieutenant-Governor in Council may within the said time appoint two Trustees to hold office from the date of their appointment until the 31st of January, A. D. 1908, three to hold office from the date of their appointment until the 31st of January, A.D. 1909 and three to hold office from the date of their appointment until the 31st of January, A.D. 1910, and may in the month of January, A.D. 1908 and in the month of January in each year thereafter appoint Trustees in the place of those whose terms of office shall expire in that month to hold office for three years from the date of such expiration.

Appointment  
of Trustees by  
Lieutenant-  
Governor  
in Council.

And the subscribers shall within the said time, in the manner hereinafter provided elect two Trustees to hold office from the date of their election until the 31st of January, A.D. 1908, two to hold office from the date of their election until the 31st of January, A.D. 1909, and three to hold office from the date of their election until the 31st of January, A.D. 1910, and shall in the month of

Appointment  
of Trustees by  
subscribers.

January,

January, A.D. 1908, and in the month of January in each year thereafter elect Trustees in the place of those whose terms of office shall expire in that month to hold office for three years from the date of such expiration.

Trustees to be eligible for re-election.

All Trustees whose terms of office shall have expired shall in all cases be eligible for reappointment or re-election as the case may be.

Members of staff not eligible as Trustees.

No one at the time being a member of the Hospital Staff shall be eligible for the position of Trustee and if a member of the Board after his appointment or election accepts or occupies a position on the Hospital Staff, or goes to reside out of the Province, or becomes insane or otherwise incapable of acting as a member of the Board, he shall *ipso facto* vacate his office as a member of the Board, and a declaration of the existence of such vacancy entered upon the minutes of the Board shall be conclusive evidence thereof.

Vacancies.

Should a vacancy arise from any cause in the Board of Trustees, such vacancy shall be filled by the body possessing power to appoint or elect under the provisions of this Act, and the person appointed or elected to fill such vacancy shall hold office for the remainder of the term of the Trustee whose place he fills.

Quorum.

At all meetings of the Board nine shall form a quorum.

#### ELECTION OF TRUSTEES BY SUBSCRIBERS.

Election by subscribers when to be held.

6. A meeting of the subscribers shall be held within six months after the passing of this Act for the purpose of electing the Trustees to be elected by them under the provisions of this Act and thereafter on the second Tuesday of the month of January, in each and every year in which Trustees are to be elected by the subscribers; and in cases of elections to fill vacancies, at such time as the Trustees may by by-law or resolution appoint.

Place of Election—Notice.

7. The said meetings shall be held at the Hospital at such hour as the Trustees shall by resolution appoint and the Secretary of the Trustees shall for 10 days at least prior to the holding of any such meeting give public notice thereof in two newspapers published daily in Toronto.

Who to preside—Secretary.

8. The Solicitor of the Trustees or in his absence a person elected by the meeting shall preside at such meeting as chairman and shall call the meeting to order at the hour named in the notice and the Secretary of the Trustees shall act as the secretary of the said meeting and shall produce and lay upon the table for public inspection a certified list of the subscribers with the amount of each individual subscription.



9.—(1) Such election shall be by ballot taken by two or more scrutineers to be appointed by the chairman of the meeting and each subscriber shall at such election be entitled to vote for Trustees, who must be residents of the Province of Ontario. Such vote may be given in person or by proxy under a power of attorney duly executed under the hand of the subscriber, provided that the said power shall be held by a subscriber entitled to vote at such election and shall be valid only for one year, and the persons for whom the largest number of votes shall then be given shall be the trustees elected.

Mode of election.

(2) In case of an equality of votes between two or more persons which leaves the election of one or more Trustees undecided then the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes, written thereon, one for each candidate, and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of Trustees, and the persons whose names are upon the papers so drawn shall be the Trustees elected.

Determining election by lot in case of tie vote.

#### POWERS OF TRUSTEES.

10. The Trustees shall have, hold, possess and enjoy all the rights, powers and privileges which they now have, hold, possess or enjoy and shall have the usual powers and rights of bodies corporate and shall have and hold every such parcel of land and premises as may have been heretofore granted by Letters Patent, or assigned or conveyed to, or vested in any former Trustees of the Hospital by any Act of the Legislature of the Provinces of Canada, Upper Canada or Ontario, or by any person or persons whomsoever and every such parcel of land and premises as may have been devised to any former Trustees of the Hospital by any person or persons whomsoever or has become vested in any former Trustees of the Hospital in what manner soever; and shall and may be capable of receiving and taking from any person or persons or any body corporate or politic by grant, gift, devise or otherwise any lands or interest in lands or any goods, chattels or effects, which any such person or persons or body corporate or politic may be desirous of giving, devising, granting or conveying to them for the use, support or purposes of the hospital; and the Trustees shall have power to hold and take all lands subject to this Act for the purposes of the hospital without license of Mortmain; and all persons shall have full and unrestricted right and power to give, grant, devise and bequeath to the Hospital any lands and interest in lands or any goods, chattels or effects, any Act or law to the contrary notwithstanding, and no real estate or

Powers of Trustees under present Acts continued.

Taking and holding lands without license in Mortmain.

interest

interest therein vested in the Trustees and used for hospital purposes shall be liable to be expropriated by any municipality, corporation or person for any purpose whatsoever without the consent of the Trustees.

Exemption  
of buildings  
and grounds  
from taxation.

The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of the Hospital, so long as such buildings and grounds are actually used and occupied by the Hospital, and the personal property belonging to the Hospital, shall be exempt from all taxation.

Limitation  
of actions.

All the rights and privileges belonging to and enjoyed by crown lands under any statute limiting the time for bringing actions either by the Crown or against the Crown shall be deemed to belong to and be enjoyed by the lands vested in the Trustees from the time they were so vested.

Power to dis-  
pose of present  
site and other  
lands.

11. The Trustees shall have power to sell, dispose of or mortgage any lot or parcel of land and premises vested in them (including the block of land at present occupied by the hospital, and being that block bounded by Gerard, Sumach, Spruce and Sackville street), upon such terms as to payment of purchase money as to them shall seem best; or to lease the same for any period of time not exceeding twenty-one years with right of further renewals forever, and subject to such covenants, conditions, agreements, stipulations and provisos as to them shall seem best. Provided, however, that those lands vested in the Trustees which are charged with certain debentures at present outstanding shall remain subject to such charge until the same are paid, but should the Trustees require the proceeds of any sales for current expenses such lands may, subject to the consent of the holders of the said debentures, be sold freed from the said debentures.

Proviso.

Power to take  
lands for  
Hospital.

12.—(1) The Trustees shall have the right and they are hereby empowered to acquire, enter upon, take and use all necessary and convenient lands and buildings for the purposes of the Trustees, making compensation therefor to the owners, occupiers and other persons having an interest in the said lands and buildings and may pass by-laws for the said purpose.

Application  
of provisions  
of 3 Edw. VII.,  
c. 19.

(2) For the purposes of the preceding subsection the Trustees shall have all the powers conferred upon municipal corporations by *The Consolidated Municipal Act, 1903*, as to acquiring, entering upon, taking and using lands required for the use of such corporations, and, save as hereinafter provided, sections 437 to 467, both inclusive, shall *mutatis mutandis* apply to the Trustees and to the shall *mutatis mutandis* apply to the Trustees and to the Trustees had been named therein instead of any municip-

pal corporation, and as if the Secretary of the Hospital had been named therein instead of the clerk of municipality.

(3) Should the Trustees under the powers by this Act conferred expropriate the block of land lying south of the southerly limit of College Street as originally laid out west of the westerly limit of Elizabeth Street north of the northerly limits of Hayter and Christopher Streets and east of the easterly limits of University Avenue (formerly University Street) or any portion thereof, then that portion of College Street which was formerly Avenue Street and those portions of Chestnut Place formerly Avenue Lane, Chestnut and Centre Streets and of all public lanes lying within the said limits or within the limits of such portion as may be expropriated shall be closed and the fee therein shall be vested in the Trustees.

Certain streets may be closed and fee vested in trustees.

(4) Instead of the arbitrators appointed by or for the respective parties or the Court naming the third arbitrator, Frederick Montye Morson, of the City of Toronto, Esquire, shall be the third arbitrator in all arbitrations held under this Act in respect of any of the above lands, and in case of his being unable to act owing to death, illness or other disability or in case of his resignation then such third arbitrator shall, if the parties cannot agree, be named by the Lieutenant-Governor in Council.

Third arbitration

(5) The Trustees may register any by-law passed for the purposes of subsection 1 of this section by depositing in the proper registry office, a copy of such by-law certified under the hands of the chairman and the secretary of the Trustees and authenticated by the seal of the corporation and the registration by them of such by-law shall vest the lands therein described in the Trustees; for such registration the registrar shall be entitled to fees upon the scale provided in paragraph 1 of section 118 of *The Registry Act*.

Registration of by-laws.

Rev. Stat., c. 136.

13.—(1) It shall be lawful for the Trustees and they are hereby authorized from time to time to borrow for the purposes of the Hospital such sum and sums of money as they may lawfully require for the purposes of the Hospital and to issue a debenture or debentures for the raising of such loan in such sum or sums at such rate of interest and for such period or periods as the trustees may find expedient; provided always that no such debenture or debentures shall be issued for a longer period than forty years and that the interest thereon shall be payable yearly, half yearly or quarterly, and provided further that the by-law authorizing the issue of such debenture or debentures shall first be laid before and approved by the Lieutenant-Governor in Council.

Borrowing powers of trustees.

Proviso.

Mortgage  
to secure  
debentures.

(2) Such debenture or debentures when so issued with the approval of the Lieutenant-Governor in Council may be secured by a mortgage to Trustees for the Debenture holders upon such of the real estate then held by the Trustees as may be then designated.

Powers of  
Trustees as to  
suing for  
property, etc.

14. The Trustees by the name aforesaid shall have power to sue in any of the courts of this Province having competent jurisdiction for any cause of action touching the property and rights of the Trustees and for any moneys due or payable to them or their predecessors for the purchase money or rents of any lands or buildings or on any account whatever and to distrain for such rents when the same are in arrear and unpaid and to distrain for interest due upon any mortgage which may be held by the Trustees and to act in all matters touching the collection and control of the funds of the Trustees and the management and disposition of any property and lands belonging to the Trustees.

Powers as to  
investments

And the Trustees shall have power to invest in such securities as they may deem advisable, all moneys which may at any time come into their hands for the use and support of the Hospital which may not be required for the immediate expenditure of the Hospital, or may deposit the same in any chartered bank or financial institution of good standing, and generally and subject to the provisions of this Act the government, conduct, management and control of the hospital and the property, revenues, business and affairs thereof shall be vested in the Trustees.

#### NEW HOSPITAL BUILDINGS.

Erection of  
buildings, etc.  
for Hospital.

15. Without thereby limiting the general powers herebefore conferred it is declared that the Trustees shall have power to erect, equip and maintain all buildings that may be required for the purposes of the Hospital upon such site or sites as to them or a majority of them shall appear best; and in the event of the Trustees abandoning the present hospital site and building a new Hospital it shall be the duty of the Trustees in erecting new hospital buildings upon another site to erect upon a portion of such site a building suitable in every respect for the purposes of a lying-in hospital and to establish, maintain and support the same in connection with the hospital as part and parcel thereof upon the terms and conditions set forth in the resolutions of the Burnside Lying-in Hospital and the Hospital, authorizing the merger of the Burnside Lying-in Hospital in the Hospital and such building shall be called and known by the name and designation of the "Burnside Lying-in Hospital"; provided that a section or wing of the hospital building shall be deemed to be a building within the terms of this section.

Burnside  
lying-in  
Hospital."

And



And a portion of the said new Hospital shall be set aside and shall be designated and known as "The Andrew Mercer Eye and Ear Infirmary."

"Andrew Mercer Eye and Ear Infirmary."

#### EXECUTION OF DOCUMENTS.

16. All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal, shall be sealed with the corporate seal of the Trustees and shall be signed by the Chairman or some person thereto authorized by resolution of the Trustees and countersigned by the Secretary, or some person thereto authorized by resolution of the Trustees, and all cheques, promissory notes and drafts shall be signed by the Chairman or some person thereto authorized by the Trustees and countersigned by the Secretary, or some person thereto authorized by resolution of the Trustees.

Execution of documents by corporation.

#### BY-LAWS.

17. The Trustees shall have the power of appointment and removal of the Secretary and the Treasurer, the Medical and other Superintendents and their assistants and clerks and of all other officers and servants of the hospital employed in or about any of its premises and may from time to time enact such by-laws and regulations for the general management of the Hospital and the trust and for fixing all salaries and wages, and for regulating the composition of the hospital staffs their numbers, terms of office, privileges and duties: provided, always that such by-laws or regulations shall be laid before the Lieutenant-Governor in Council within 30 days after the same shall have been so enacted as aforesaid, and shall come into force at the expiration of one month thereafter unless they shall have been disallowed by Order in Council within that time.

Appointment and removal of officers and staff.

By-laws and regulations.

Proviso.

#### BENEFACTORS AND ANNUAL SUBSCRIBERS.

18. Every individual who shall up to the time of the passing of this Act have subscribed \$500 and upwards to the fund of the Hospital and every individual who shall after the passing of this Act subscribe \$1,000 and upwards shall be called a "Benefactor" of the hospital and it shall be the duty of the Trustees to erect a tablet in the principal entrance hall of the Hospital upon which shall be inscribed from time to time the names of the said Benefactors and the amounts severally subscribed by them, and such Benefactors shall also be Visitors of the Hospital.

Who to be deemed a "benefactor."

19. Every individual who shall have subscribed \$100 or more to the fund of the Hospital in the year immediately preceding

Who to be deemed "annual subscriber."

preceding an election of subscribers' trustees at which he desires to vote shall be an "Annual Subscriber."

#### MEDICAL STUDENTS.

Right of students of medical schools to attend hospital.

20. The trustees shall allow any medical student of the University of Toronto to visit the wards of the hospital and attend them for the purpose of receiving instruction from the members of the Faculty of Medicine of the University of Toronto, upon the payment of such fees and under such regulations and restrictions as the trustees shall by any by-law or resolution from time to time appoint. Provided, also, that the Lieutenant-Governor in Council may from time to time frame regulations and conditions under which the trustees shall admit other students in Medicine, including post-graduate students, to receive medical instruction from the said Faculty as hereinbefore provided.

#### PAY PATIENTS.

Right of paying patients to attendance of their own physician.

21.—(1) The Trustees shall allow or permit all patients paying sufficient to cover all the cost to the Trustees of their maintenance and support while in the Hospital the right of employing their own surgeon or physician, subject to the regulations of the Trustees.

(2) The words "paying their way" where they occur in the 7th section of By-law No. 4579 of the City of Toronto shall mean "paying sufficient to cover all the costs to the Trustees of their maintenance and support while in the Hospital," and the Hospital shall be the Hospital to which the grant is authorized to be made by the said by-law.

#### CITY PATIENTS.

Patients sent from City of Toronto.

22. The Trustees shall afford accommodation as far as possible to patients sent into the hospital on the order of the Corporation of the City of Toronto upon the payment to the Trustees of such rates as may from time to time be agreed upon, and subject to such regulations and restrictions as the Trustees may by by-law or resolution from time to time appoint.

#### THE HOSPITAL STAFF.

Hospital staff.

23. The composition, and number of the Hospital Staff, the terms of office, the duties and the privileges of the members thereof shall remain as at present until altered by by-law or resolution of the Trustees.

#### 41 VIC., CAP. 71, SECS. 8, 9, AND 10 REPEALED.

41 V. c. 71, ss. 8, 9, 10, repealed.

24. Sections 8, 9 and 10, of an Act passed in the 41st year of the reign of Her late Majesty Queen Victoria, chaptered 71 are repealed.

## STATEMENTS TO GOVERNMENT.

25. In addition to the returns required by section 10 of *The Charity Aid Act*, the Trustees from time to time when required so to do by the Lieutenant-Governor in Council shall render an account in detail of all moneys received by them as such Trustees specifying the sources from which the same shall have arisen or been received and the manner in which the same shall have been invested and expended and all such particulars as may be necessary to show the state of the fund and endowment of the Hospital.

Additional  
returns to  
those required  
under Rev.  
Stat. c. 320.

## ACT NOT TO CREATE NEW CORPORATION.

26. Nothing in this Act contained shall be construed as creating a new corporation but the corporation constituted by this Act shall be held to be the same with that constituted by the former Acts of the Hospital so that all actions or proceedings brought by or against the former Trustees and pending at the time of the passing of this Act shall be continued by and against the Trustees provided for by this Act and all matters and things done by the said former trustees shall be binding upon the Trustees hereby created until further or other provision may be made in respect thereof by the last mentioned trustees in conformity with this Act.

Present  
Corporation  
continued.

## CHAPTER 60.

## An Act respecting The Hospital for Epileptics.

*Assented to 14th May, 1906.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Designation of  
Hospital.

1. The hospital founded and established at the City of Woodstock, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate that may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Hospital for Epileptics."

Object.

2. The object and design of such hospital shall be to secure the curative, and economical care and treatment of epileptics, exclusive of insane epileptics.

Inspector.

3. The Inspector appointed under *The Prisons and Asylums Inspection Act* shall be the Inspector of the said hospital, and shall have and perform the same powers and duties in respect to such hospital as are conferred upon him in respect of asylums for the insane by the said *The Prisons and Asylums Inspection Act*.

Rev. Stat.  
c. 321.

Officers  
appointment.

4. The Lieutenant-Governor may from time to time appoint for such hospital a Medical Superintendent, Bursar, Matron, and such other officers, instructors, attendants and servants as may be necessary, who shall hold office respectively during pleasure, and who shall perform such duties as may be assigned to them under the rules and regulations in force respecting such hospital and in accordance with the directions of the Inspector.

Inspector to  
make rules and  
regulations

5. The Inspector shall make rules and regulations for the management, discipline and general administration of the said



said hospital, and for fixing and prescribing the duties of the Superintendent Bursar, Matron, and such other officers, instructors, attendants or servants as may be employed in or about the said hospital, and may alter, amend and annul such rules and regulations from time to time; provided, always, that no such rules or regulations shall have any effect until and unless they are first approved of by the Lieutenant-Governor in Council.

fixing and  
prescribing  
duties of  
officers.

Rules and  
regulations to  
be approved of  
by Lieutenant-  
Governor in  
Council.

6. No person shall be received into the said hospital without a certificate from a legally qualified medical practitioner, setting forth that after a proper examination of the person for whom the application for admission is made, and after due enquiry into all the facts relating to his case, the person so examined is found to be a sane epileptic.

No admission  
without certi-  
ficate of  
medical  
practitioner.

7. The Inspector shall make such rules and regulations as may be deemed necessary and expedient for fixing and determining the terms and conditions of admissions to the said hospital of persons certified in the manner provided for in the next preceding section, and for the support and maintenance of such persons so admitted to such hospital while inmates therein, and for the discharge of such persons therefrom; provided, always, that no such rules or regulations shall have any effect until and unless they be first approved by the Lieutenant-Governor in Council.

Inspector to  
make rules and  
regulations for  
fixing and  
determining  
admissions,  
etc.

Rules and regu-  
lations to be ap-  
proved of by  
Lieutenant-  
Governor in  
Council.

## CHAPTER 61.

## An Act to amend The Act respecting Lunatic Asylums, and the Custody of Insane Persons.

*Assented to 14th May, 1906.*

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 317, subs.  
12, 23, 25,  
repealed.

1. Sections 12 to 23 inclusive and section 25 of *The Act respecting Lunatic Asylums and the Custody of Insane Persons* are hereby repealed and the following substituted therefor:—

## PROCEEDINGS TO APPREHEND DANGEROUS INSANE PERSONS.

Justice may  
issue warrant  
to apprehend  
person believed  
to be insane,  
and dangerous  
to be at large.

12. Where an information is laid before any of His Majesty's justices of the peace for any territorial division that any person, being within the limits of the jurisdiction of such justice, is, or is suspected or believed by the person laying the information, to be insane and dangerous to be at large, such justice may issue his warrant (Form B) to apprehend such alleged insane person, and to cause him to be brought before such justice or any other justice for the same territorial division.

Warrant to  
apprehend,  
form of.

13. Every such warrant shall be under the hand and seal of the justice issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the justice issuing the same has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is insane and dangerous to be at large; and the warrant shall order the person or persons to whom it is directed to apprehend the person against whom the information has been laid, and to bring him before the justice issuing the warrant, or before some other justice of the peace for the territorial division, in order that enquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law.

14. Any person apparently insane and conducting himself in a manner which in a sane person would be disorderly, may be apprehended without warrant by any constable or peace officer and detained in some safe and comfortable place until the question of his sanity be determined as prescribed by section 21 hereof.

Apprehension  
without  
warrant.

#### PROCEEDINGS ON APPREHENSION.

15. Where the person alleged to be insane has been apprehended under a warrant or in the manner provided in section 14 hereof, he shall be brought before some justice of the peace for the territorial division in which such person has been apprehended, and the justice may thereupon by his order (Form C) direct that such alleged insane person be confined in some safe and comfortable place, or in the custody of the constable or other person who apprehended him, or such other safe custody as the justice deems fit until the question of his sanity be determined, but in no case shall such alleged insane person be committed as a disorderly person to any prison, gaol or lock-up for criminals, unless he be violent and dangerous and there is no other suitable place for his confinement, nor shall he be confined in the same room with a person charged with or convicted of a crime.

Proceedings on  
apprehension.

Order.

16. The Provincial Secretary shall have the power to appoint one or more medical practitioners in any territorial division for the purposes of section 17 hereof.

Appointment  
of medical  
examiners.

17. Immediately upon the apprehension of an alleged insane person the justice before whom such alleged insane person shall be brought shall notify one of the medical practitioners appointed under section 16 (if any such have been appointed for the territorial division in which the justice has jurisdiction) and one other medical practitioner, or if no medical practitioner has been so appointed the justice shall notify two medical practitioners, and shall cause an examination to be made in the same manner as is provided in sections 7 and 8 of this Act.

Justice to have  
examination  
made by two  
medical prac-  
titioners

18. The justice, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the insanity of the said alleged insane person and shall direct that enquiry be made as to the friends or relatives of such person in order that the evidence of some person or persons who is or are acquainted with the family and previous habits of the said alleged insane person may be had, and for the purpose of ascertaining whether the said alleged insane person is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon

Hearing of  
evidence ; en-  
quiring among  
friends, etc.

Information  
required by  
Schedule 2.

him for support, and to elicit as far as possible, all information in respect to the matters set out in Schedule No. 2 of this Act; but should the justice find that such enquiries will be expensive, or that sufficient information has been obtained for the purposes of this Act by other means, then such justice shall not be required to make the enquiries by this section directed.

Adjournment  
of enquiry.

19. The justice may from time to time adjourn the enquiry, and again commit to custody, as prescribed by section 15 of this Act, until proper enquiry is made as herein directed.

Medical  
practitioners  
may re-  
examine  
on disagree-  
ment.

20. Where the medical practitioners, upon making a personal examination of the said alleged insane person, do not agree in opinion as to whether such person is or is not insane, they, or any of them, may again examine such person (said examination to be made within one week after the first examination) and may grant a new certificate if upon such further examination they change their opinion as to the mental condition of such person.

Discharge of  
persons when  
not found  
insane.

21. If, after reasonable enquiry has been made by the justice as herein directed, the justice is satisfied that such alleged insane person is not insane and dangerous to be at large, the justice shall forthwith discharge such person, but if after enquiry as aforesaid the justice is satisfied that such alleged insane person is insane and dangerous to be at large, he shall certify accordingly (Form D); provided that unless both of the medical practitioners making the examination as herein before provided shall agree that such person is insane the justice shall forthwith discharge such person.

Certificate by  
Justice when  
person insane  
and dangerous  
to be at large.

Certificates,  
etc., to be  
sent by Justice  
to the In-  
spector.

22. The said justice shall immediately transmit to the Inspector the said certificate and the certificates of said medical practitioner, and all depositions taken before him, accompanied by a written statement of such justice as to the financial condition of such insane person and the person or persons legally liable for his maintenance, and as to the other matters set out in Schedule No. 2 to this Act, so far as ascertained, and the Inspector, on receipt of the said documents, shall at once make provision for the transfer of such insane person to an asylum for the insane.

Inspector to  
make provision  
for removal  
to asylum.

Expenses  
incurred in  
determining  
insanity and  
conveying to  
asylum,—how  
to be borne.

23.—(1) The costs necessarily incurred in determining the question of the insanity of any alleged insane person under the provisions of sections 12 to 29, inclusive, of this Act, including the fees, not exceeding \$5 each, to the medical practitioners, and other necessary expenses, and in securing the removal and admission of such person to an asylum for the insane, and the expense of providing pro-  
per



per clothing for such person, if any, shall be paid by the county, city or separated town in which such person has been apprehended; but if such person had not prior to his being apprehended resided in such county, city or separated town for the period of one year, but had resided for that period in some other county, city or separated town in this Province, then such expenses may be recovered back by the county, city or separated town in which such person was apprehended from the county, city or separated town in which such person had last resided for the period of one year; or if such person, although he had resided for the period of one year in the county, city or separated town in which he was apprehended, had since such residence been a resident for the period of one year in some other county, city or separated town in this Province, then in like manner such expenses may be recovered back by the county, city or separated town in which such person was apprehended from the county, city or separated town in which such person last resided for the period of one year.

(2) Where such person is not an indigent person, then the expenses referred to in the next preceding subsection paid by any county, city or separated town in which such person has been apprehended may be collected by it from the estate of such person or from the persons legally liable for his maintenance, and the same shall be a charge against the estate of such person or the same shall be paid by the persons legally liable for his maintenance.

County, city or separated town may recover expenses paid by it from estate.

2. Section 37 of the said Act is hereby repealed.

Rev. Stat. c. 317, s. 37, repealed.

3. Section 50 of the said Act is amended by striking out from the word "and" in the fourth line thereof to the word "payable" in the 9th line thereof inclusive, and by striking out in the 13th and 14th lines the words "it may not be considered proper to claim in respect of his maintenance" and substituting therefor the words "it may be considered proper."

Rev. Stat. c. 317, s. 50, amended

4. Section 53 of said Act is amended by adding thereto the following subsection:—

Rev. Stat. c. 317, s. 53, amended.

(3) No application to the High Court for the appointment of a committee of any such lunatic shall be made until five clear days' notice thereof has been given to the Inspector, and with such notice shall be served a copy of the petition and the affidavits to be used in support thereof.

Notice of application for appointment of Committee to be given to Inspector.

5. Form C of the said Act is hereby repealed and the following substituted therefor:—

Rev. Stat. c. 317, Form C, repealed.

## FORM C.

(Section 15.)

*Warrant of committal for safe custody pending enquiry.*

Province of Ontario, }  
 County of }

To all or any of the Constables or Peace Officers in the County of

Whereas on the       day of       last past, information upon oath was laid before me (or us)       one (or as the case may be) of His Majesty's Justices of the Peace in and for the said county of       that A. B. is insane and dangerous to be at large; and whereas the hearing of the same is adjourned to the       day of       at       o'clock in the (fore) noon at       and it is necessary that the said A. B. should in the meantime be kept in safe custody:

These are therefore to command you or any of you, the said Constables or Peace Officers in His Majesty's name, forthwith to convey the said A. B. to       , and there deliver him to the custody of       together with this precept;

And I hereby require you the said       to receive the said A. B. into your custody and there safely keep him until the day of       (instant), when you are hereby required to convey and have him the said A. B. at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further enquiry respecting his sanity, and to be further dealt with according to law.

Given under my (or our) hand and seal this       day of       in the year of our Lord       at       in the county aforesaid.

Rev. Stat.  
 c. 317, Form D  
 repealed.

6. Form D of the said Act is hereby repealed and the following substituted therefor:—

## FORM D.

(Section 21).

*Certificate of Justice.*

Province of Ontario, }  
 County of }

I, the undersigned C. D., Esquire, one of His Majesty's Justices of the Peace for the County of       do hereby certify that I have on this       day of       A. D. 19       , personally examined A. B. of the       of       in the county of       and I do hereby further certify that from such personal examination, and from the evidence adduced thereon I am of opinion that the said A. B. is insane and dangerous to be at large.

Signed this       day of       A. D. 19       , at       in the County of       .

7. Schedule No. 2 of the said Act is hereby repealed and the following substituted therefor:—

Rev. Stat.  
c. 317, Sched.  
No. 2 repealed.

SCHEDULE No. 2.

INFORMATION TO BE ELICITED UPON ENQUIRY.

(Section 18).

1. The name in full of alleged insane person.
2. Post Office address of such person.
3. County in which apprehended.
4. City, Town, Incorporated Village or Township in which apprehended.
5. How long a resident of such City, Town, Village or Township.
6. Age.
7. Occupation.
8. Religion.
9. Nationality.
10. Sex.
11. Whether married or single, and if single, whether ever married.
12. Name and Post Office address of husband, wife, parent or guardian, if any, and if guardian state relationship.
13. Number of children, if any, their names and ages, and their Post Office addresses, and if under age, state with whom residing.
14. How long such person has been insane.
15. Duration of the present attack, and whether the first.
16. How the insanity first showed itself, and the supposed causes.
17. Whether any delusions, and if so, what they are.
18. Whether such person is suicidal or dangerous to others.
19. Whether any offence has ever been committed by such person, and whether such person has been convicted of same, with all particulars.
20. Whether such person is subject to epilepsy or paralysis.
21. Whether any of the other members of such person's family have suffered in a similar way, and whether such person has ever been in an asylum, and if so when and where.
22. What have been the habits of such person as to temperance, industry and general conduct, and in what manner they have changed—whether the change has been recent, gradual or sudden.
23. Whether such person has been subject to any bodily ailments, and if so, their nature.
24. Degree of education of such person, and any other information that will in the opinion of the Justice or the Justices aid the Medical Superintendent in the treatment of the case.
25. Whether such person is idiotic, imbecile or incurable.
26. Whether the friends or relations of such person, or any of them, if such there be, are able to contribute to the maintenance of such person while in an asylum, and which, if any, of such friends, and how much they, or any of them, can contribute.
27. Has such person any property, real or personal? What does it consist of and where is it situated; also state value and encumbrances, if any?
28. Has such person any moneys on deposit in Banks? If so, in what bank and in whose possession are the deposit receipts, bank books or other acknowledgments of such deposit?
29. Give the name and Post Office address of the person in whose possession such acknowledgments, if any, are.
30. If such alleged insane person is under the age of twenty-one years what property, real or personal, has the parent or guardian. What does it consist of and where is it situated; also state value and encumbrances, if any.
31. Has such person any one dependent upon him for support? If so, state relationship, names, ages, and Post Office addresses.

## CHAPTER 62.

## An Act to incorporate the Town of Blind River.

*Assented to 14th May, 1906.*

Preamble.

**W**HEREAS the lands hereinafter mentioned have now an estimated population of sixteen hundred people; and such population is rapidly increasing; and whereas the unincorporated Village of Blind River, situated in said lands is an important lumbering, manufacturing, milling and mining centre, and is a distributing point, and business centre for a large tract of territory; and whereas the residents and ratepayers of said lands have petitioned to be separated from the municipality of Blind River, (now wholly composed of the Township of Cobden) and formed into an incorporated town, and the council of the said municipality of Blind River have by their petition set forth that incorporation of the said lands as a town would tend to its advancement, and prosperity, and empower its ratepayers to make the most desirable regulations for the care, protection and improvement of property and have prayed for incorporation accordingly; and whereas it has been shewn that the lands outside of the lands within the limits of the proposed Town of Blind River, have a population less than 25 people; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation  
of Town of  
Blind River.

1. On, from and after the passing of this Act the lands hereinafter described shall be separated from the municipality of Blind River, and the residents and ratepayers thereof shall be and they hereby are constituted a corporation or body politic under the name of "The Corporation of the Town of Blind River" and shall enjoy, and have all the rights, powers and privileges exercised and enjoyed by incorporated towns separated from counties in the Province of Ontario, except where otherwise provided by this Act.



2. The Town of Blind River shall comprise and consist of the following lands, that is to say: All and singular those certain parcels, portions or tracts of land in the District of Algoma, and Province of Ontario, known as "1st" the southern portion of lot one concession one, in the Township of Cobden, containing 146.34 acres more or less; "2nd" mining location "A" in the Township of Cobden containing 200 acres more or less; "3rd" sale number one, according to plan of subdivision of Mississaga Indian Reserve, made by G. B. Abrey, D. L. S., and dated at Little Current, on the 10th day of June, 1882, and containing 20.45 acres more or less; "4th", lot five and the east half of lot four according to Abrey's plan of said subdivision; "5th", such portions of land underlying the waters of Blind River and Lake Huron as may be included in the following description; the whole containing 749.08 acres more or less according to survey made by James S. Dobie, O. L. S., and dated at Bruce Mines, the 18th day of March, 1904, and which may be more particularly described as follows, that is to say: Commencing at the south-west corner of the east half of lot four, in the subdivision of Mississaga Indian Reserve, in the District of Algoma, and Province of Ontario, according to survey and plan made by G. B. Abrey, D. L. S., and dated at Little Current, on the 10th day of June, 1882, thence easterly along the highwater marks of the shore of Lake Huron, to the south-west corner of sale number one according to Abrey's plan of said subdivision, thence south astronomically a distance of one hundred feet, thence easterly parallel to the highwater mark of the shore of Lake Huron, and at a constant distance of one hundred feet therefrom to the intersection of the east boundary of mining location "A", produced south astronomically, thence north along the production of said east boundary to the highwater mark of the shore of Lake Huron, thence easterly along the said highwater mark to the point where the east boundary of the Township of Cobden intersects the highwater mark of the shore of Lake Huron, thence north astronomically along the east boundary of the Township of Cobden, a distance of 63.30 chains more or less to the point due east of the north-east corner of mining location "A", thence west astronomically, a distance of 30.40 chains more or less to the north-east corner of mining location "A", thence west along the north boundary of mining location "A" to the water's edge of Blind River, thence southerly along the water's edge of Blind River to a point fifty links north of the Government highway bridge over Blind River, thence north-westerly parallel to said bridge, and at a distance of fifty links therefrom to the water's edge of the west bank of Blind River, thence northerly and westerly along the highwater mark of Blind River to the

What lands to  
be included.

north-west corner of the east half of lot four, according to Abrey's plan of subdivision of Mississauga, Indian Réserve hereinbefore mentioned, thence south along the west limit of the east half of said lot four to place of beginning

Wards.

3. The said town shall be divided into three wards to be called respectively First, Second and Third wards. The first ward shall comprise and consist of all land within the proposed Town of Blind River, lying east of the Blind River. The second ward shall comprise and consist of all the land within the said proposed town, lying west of the Blind River and north of the Government road; and the third ward shall comprise and consist of all land within the proposed town, lying west of the Blind River, and south of the Government road.

Provisions of 3 Edward VII, c. 19 to apply.

4. Except as otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1903*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations shall apply to the said Town of Blind River in the same manner as if the said lands had been an incorporated village, and had been erected into a town under the provisions of said Act.

First election of Mayor and Councillors.

5. On the first Monday of June, 1906, it shall be lawful for H. T. Brackenridge, the clerk of the municipality of Blind River, who is hereby appointed returning officer to hold the nomination for the first election of mayor and councillors at the town hall, in the municipality of Blind River, having first caused one week's notice thereof to be posted up in three conspicuous places in each of the said wards, and he shall preside at the said nomination or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination and such chairman shall have all the powers of a returning officer, and the polling for such election if necessary shall be held on the same day of the week in the week following the nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

Appointment of deputy returning officers

6. The said returning officer shall by his warrant appoint the deputy returning officer for each of the wards into which the said town is divided, and such returning officer, and each of such deputy returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers, and deputy returning officers at elections in towns in so far as the same do not

conflict

conflict with this Act, and the said returning officer shall have all the powers and perform their several duties devolving on town clerks with respect to municipal elections in towns.

7. The said returning officer or chairman hereinbefore mentioned shall use so much of the last revised assessment roll of the said Municipality of Blind River, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the first election, or the collector's roll or the last revised voters' list of said municipality in case the said assessment roll is not available and all other documents, statements, writings or deeds that may be requisite or necessary to ascertain the names of persons entitled to vote as aforesaid.

Use of assessment of collector's roll of municipality of Blind River to ascertain those qualified to vote.

8. The council of the said town to be elected in manner aforesaid shall consist of the mayor, who shall be the head thereof, and six councillors, two councillors being elected for each ward, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling on the same day of the week next following the week of the said nomination, and subsequent elections shall be held in the same manner; and the qualification of mayor and councillors, and for electors at such subsequent elections, shall be the same as that prescribed and required by *The Consolidated Municipal Act, 1903*, for mayors councillors and electors respectively for and in incorporated towns, and the said council and its successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the municipal laws in councils of towns separated from counties and shall be subject to all the liabilities, and duties imposed by the said municipal laws on such councils.

Council—How composed.

9. The several persons who shall be elected or appointed to office under this Act shall take the declarations of office and qualifications now required by the municipal laws of the Province of Ontario to be taken by persons elected or appointed to like offices in towns.

Declarations of office and qualification.

10. At the first election of mayor and councillors for the said Town of Blind River, the qualification for mayor and councillors and for electors shall be the same as that heretofore required in the Municipality of Blind River.

Qualification of mayor and councillors at first election.

11. The expenses incurred in obtaining the incorporation of said town, and incidental thereto and in holding said first election; and in furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the said returning officer, chairman,

Expenses of incorporation to be borne by town.

clerk

clerk or other officer of the said town or otherwise shall be borne by the said town and paid to any party that may be entitled thereto.

Application of  
by-laws of  
municipality of  
Blind River to  
town.

12. All by-laws which have been in force in the Municipality of Blind River shall continue and be in force in the Town of Blind River until repealed by the council of the said Town of Blind River, but nothing herein contained shall validate or make legal any such by-law that may be defective, illegal or beyond the jurisdiction of the council of said Municipality of Blind River to pass.

Property,  
assets, debts,  
etc., of muni-  
cipality of  
Blind River to  
be vested in  
and assumed  
by town.

13. The property, assets, debts, liabilities and obligations of the Municipality of Blind River shall become and be the property, assets, debts, liabilities and obligations of the Town of Blind River, and said debts liabilities, and obligations of the said Municipality of Blind River shall be assumed borne, paid and performed by the said Town of Blind River, and nothing contained in this Act shall free the said Town of Blind River or the wards comprising it from any debt or liability now existing against the Municipality of Blind River, and the creditors of the Municipality of Blind River shall have all the rights and remedies against the Town of Blind River for the enforcement of their claims, as they had or might have previous to the passing of this Act against the said Municipality of Blind River.

Arrears of taxes  
how to be  
collected.

14. Arrears of taxes due to the Municipality of Blind River in respect of lands within the limits of the Town of Blind River as hereby incorporated, shall be collected and managed in the same way as the arrears due to towns, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of the law, relating to sales of land for arrears of taxes, whether the same accrued before or after the incorporation of the town of Blind River and to deeds given therefor shall apply to the said corporation of the Town of Blind River, and to sales of land therein for arrears of taxes due thereon, and to deeds given therefor.

Application of  
assessment roll  
of Municipality  
of Blind River  
to town.

15. The assessment roll now being prepared by the assessor of the Municipality of Blind River, for the year 1906, shall when completed so far as the same relates to lands within the limits of the Town of Blind River be valid to all intents and purposes as if the said assessor had been appointed by the council of the said Town of Blind River, but the council of the town of Blind River notwithstanding the above provision may pass a by-law for taking the assessment



assessment of the said town for the year 1906, between the 1st of May and the 1st of August, 1906, and if any such by-law extends the time for making and completing the assessment rolls beyond the 1st of June, 1906, then the time for closing the court of revision shall be six weeks from the day to which such time is extended and the final return by the Judge twelve weeks from that day.

16. On, from and after the passing of this Act the incorporation of the Municipality of Blind River shall be and the same is hereby annulled, and the said Municipality of Blind River shall cease to exist and the lands included in said municipality outside of the lands included in the Town of Blind River shall be restored to the position they were in before the creation of the said municipality of Blind River.

Incorporation of Municipality of Blind River annulled.

17. The District Judge of the District of Algoma shall have all the powers of a County Court Judge, under *The High Schools Act* in all matters relating to or concerning high schools, in the Town of Blind River, and the appointment of high school trustees conferred upon the councils of separated towns under *The Consolidated Municipal Act, 1903*, is hereby conferred upon the Municipal Council of the Town of Blind River.

Powers of District Judge as to High Schools, etc.

18. The said returning officer, or chairman as the case may be shall at the nomination provided for by section 5 of this Act receive nominations for two school trustees for each of the said wards, and the election for such school trustees shall be held in conformity with the provisions of *The Public Schools Act*, and the first meeting of the board of public school trustees shall be held on the same day of the week following the week of the polling or if there be no polling on the same day of the week following the nomination at two o'clock in the afternoon.

Nomination of Public School Trustees.  
1 Edw. VII., c. 39.

19. One of such school trustees for each ward shall remain in office only for the unexpired part of the year 1906, and the other one for each ward until the end of the year 1907, and the length of time for each trustee shall be determined by lot at the first meeting of the new board of trustees.

Term of office of Public School Trustees.

## CHAPTER 63.

## An Act to confirm By-law number 618 of the Town of Bowmanville.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Bowmanville has by petition represented that in the year 1894 an agreement was entered into between the Dominion Organ and Piano Company and the said Corporation by which the said Corporation undertook to endeavour to procure the passing of a by-law granting a bonus of \$5,000 to the said Company in consideration of their carrying on the manufacture of organs and pianos in the said Town and further to pass a by-law to exempt the property of the said Company from taxation for a term of years; that the by-law granting the said bonus was passed by the Council of the said Corporation in the year 1894 and in the year 1900 in pursuance of the said agreement and after having been repeatedly requested so to do, the Council of the said Corporation unanimously passed the by-law exempting the said Company from taxation except as to school taxes for a period of ten years; that in the year 1899 the law which had formerly permitted by-laws exempting manufacturers from taxation to be passed by a two-thirds vote of the council was amended so as to require the assent of the electors to the passing of such a by-law but at the time when the said by-law to exempt the Dominion Organ and Piano Company from taxation was passed the said Council were not aware that the law had been changed; that the said by-law was passed in good faith and to carry out what the said Council considered was an agreement with the said Company; that the said Company have fulfilled the conditions upon which the said bonus and exemption were granted and are now carrying on business and employing a large number of workmen in the Town of Bowmanville and the maintenance of the said business is of great importance to the said municipality; that in the present month of February proceedings were threatened to quash the said by-law

by-law upon the ground of illegality; that in case proceedings should be taken to quash the said by-law and should be successful the said Corporation would be involved in great expense and probably in further litigation; and that the exemption granted by the said by-law has little more than four years to run; and whereas the said corporation has by the said petition prayed that an Act may be passed to confirm and legalize the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. By-law number 618 of the municipal corporation of the Town of Bowmanville, passed on the 5th day of March, 1900, entitled “A By-law to exempt the Dominion Organ and Piano Company from taxation except as to school taxes” which said by-law is set out as Schedule “A” to this Act is confirmed and declared to be and to have been from the date of the passing thereof legal, valid and binding to all intents and purposes, and the property of the said the Dominion Organ and Piano Company, in the Town of Bowmanville, is declared to be and to have been exempt from taxation for municipal purposes, except for school purposes for the period of ten years from the fifth day of March, 1900.

By-law No. 618,  
of town of  
Bowmanville,  
confirmed.

#### SCHEDULE A.

##### BY-LAW NUMBER 618.

A By-law to exempt the Dominion Organ and Piano Company from taxation, except as to school taxes.

Whereas the municipal council of the Town of Bowmanville, by power authorized under the Revised Statutes of Ontario, volume 2, chap. 223, section 411, R.S.O. 1897, do hereby exempt the Dominion Organ and Piano Company from taxation, except as to school taxes, for a period of ten years.

Passed March 5th, 1900.

(Sgd.) R. RUSSELL LOSCOMBE,  
Mayor.

(Sgd.) JOHN LYLE,  
Clerk.

(Seal.)

## CHAPTER 64.

## An Act respecting the Town of Brockville.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Brockville has by petition represented that a deficiency has occurred in the sinking funds of three of its debenture issues, which were authorized under three several by-laws, as follows: By-law No. 282, passed on the sixteenth day of January, 1885, for granting a bonus of \$36,000 to The Brockville, Westport and Sault Ste. Marie Railway Company; By-law 466<sup>1</sup>/<sub>2</sub>a, passed on the thirteenth day of January, 1892, for granting of a bonus of \$50,000 to The Brockville Carriage Company; and By-law No. 498a, passed on the third of October, 1892, consolidating the floating debt of the Town of Brockville at \$45,000; which said deficiency has been caused in part by a reduction in the rate of interest allowed by the banks on said sinking funds and in part by the failure to deposit three instalments of such sinking funds to the credit of the sinking fund accounts in the years 1885, 1889 and 1892; and whereas it has further been made to appear that for the purpose of making up such deficiency so that at the maturity of the said debenture issues the sinking funds will be sufficient to meet the same, it will be necessary to pay in to said sinking funds the sum of \$10,000, and said municipal corporation has prayed that it may be authorized to borrow the said sum by a special issue of debentures; and whereas by said petition it is represented that certain real estate belonging to the Town of Brockville, consisting of lots thirty-nine (39) and forty (40) in block forty-two (42) according to the registered plan of the said town was conveyed expressly for the purpose of establishing a public market; and whereas it has been made to appear that said real estate is not required for and has not been used as a public market for many years; and that it is desirable that the trust above referred to should be extinguished; and that authority should be granted to borrow \$14,000 by a special issue of debentures for the purpose



pose of repairing, altering and improving the town hall in the west ward market building; and whereas by said petition it is also represented and it has been made to appear that it will be necessary to expend the sum of \$7,000 for the purpose of acquiring a site for, and the erection and equipment of a building to provide accommodation for the Brockville Fire Department, and the said municipal corporation has prayed that it may be authorized to borrow the said sum of \$7,000, by a special issue of debentures; and whereas, by said petition it is represented that it is desirable in the public interest to fix the assessment of the property of The James Smart Manufacturing Company of Brockville, Limited, at the sum of \$20,000 for the period of ten years commencing with the first day of January, A.D. 1906; and whereas it is expedient to grant the prayers of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the Town of Brockville may borrow, upon a special issue of debentures, bearing interest at such rate as the council of the said corporation may determine, and payable in not more than twenty years from the date of the issue thereof, the sum of \$10,000, to be applied only for the purpose of making up the deficiency which has occurred in the sinking funds of three of the debenture issues, as hereinbefore set out.

Authority to borrow \$10,000 by issue of debentures to make up deficiency in sinking funds.

2. The parcel of land and premises belonging to the Town of Brockville, consisting of lots thirty-nine (39) and forty (40) in block forty-two (42) according to the registered plan of the said town is hereby declared to be freed from the expressed trust contained in the conveyance of the said lands to said town, whereby it is declared that such lands are so conveyed for the purposes of a public market, and said trust is hereby extinguished.

Lands conveyed to town for market site freed from trusts.

3. The said corporation may pass a by-law for the purpose of borrowing \$14,000 by a special issue of debentures bearing interest at such rate as the corporation may determine, and payable in not more than twenty years from the date of the issue thereof, for the purpose of defraying the cost of repairing, altering and improving the town hall in the west ward market building in the said town, provided that the by-law shall not be finally passed until the assent of the ratepayers, qualified to vote on money by-laws, has been obtained thereto in accordance with the provisions of *The Consolidated Municipal Act, 1903*.

Authority to borrow \$14,000 for altering and improving town hall.

4. The said corporation may also borrow, by a special issue of debentures, bearing interest at such rate as the

Authority to borrow \$7,000 for purchase of

site for and  
erection of  
fire hall.

said corporation may determine, and payable in not more than twenty years from the date thereof, the sum of \$7,000, to be applied only for the purpose of acquiring a site for and erecting and equipping a building to provide accommodation for the Brockville Fire Department.

Special rate.

5. For the payment of the debt and interest represented by the debentures to be issued under the authority of sections one, three and four hereof, there shall be annually raised, levied and collected by the said corporation, during the currency of the said debentures, by an annual special rate upon the assessable property of the said corporation, and in conformity with the provisions of *The Consolidated Municipal Act, 1903*, a sum sufficient to discharge the said debt and interest, when the same shall be respectively payable.

Debentures  
how payable.

6. The debentures to be issued for the purposes mentioned in this Act shall be payable in equal annual instalments, including both principal and interest, in such manner that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years, during the period within which the debt is to be paid.

Assent of elect-  
ors not required  
to by-laws  
passed under  
ss. 1 and 4.

7. The by-laws to be passed under sections one and four hereof shall not require to be submitted to the electors of the said Town of Brockville, nor shall they require the assent of such electors before the final passing thereof.

Authority to  
pass by-law  
fixing assess-  
ment of Jas.  
Smart M'g  
Co.

8.—(1) The said corporation may pass a by-law fixing the assessment of the real property of the James Smart Manufacturing Company, Limited, at \$20,000 per annum and exempting the said company from business assessment for the period of ten years, commencing with the first day of January A.D. 1906, for municipal purposes; provided that for school purposes and local improvements the property and business of the said company shall be assessed in the same manner as if this Act had not been passed.

(2) It shall not be necessary to submit to or have the assent of the electors to the by-law of said corporation, to be passed for the purpose mentioned in sub-section one of this section.

## CHAPTER 65.

An Act respecting the Town of Bruce Mines and the Copper Mining and Smelting Company of Ontario, Limited.

*Assented to 14th May, 1906.*

**W**HEREAS the Corporation of the Town of Bruce Preamble. Mines has petitioned, praying that an Act may be passed to ratify an agreement between the said Corporation and "The Copper Mining and Smelting Company of Ontario, Limited," and to confirm and legalize a by-law of the said Corporation numbered 27 and intituled "A By-law to fix the assessment of all the property and assets of The Copper Mining and Smelting Company of Ontario, Limited, within the Town of Bruce Mines for a period of ten years;" and whereas the said Corporation of the Town of Bruce Mines by petition has represented that the enterprise of the said Company in so far as smelting of ore is concerned is a new one and that there is no industry of a similar nature established within the limits of the said municipality; and whereas a poll was held for the taking of the votes of the ratepayers entitled to vote on said By-law and a poll book prepared contained the names of all the persons so entitled amounting to 136 names of persons so entitled, and at said election or poll 94 persons so entitled to vote polled their votes in favour of said By-law and only 7 persons recorded their votes against the said By-law showing as a result that more than a two-thirds majority of the ratepayers who actually voted, voted in favour of the By-law and said majority of the ratepayers who voted in favour of the By-law, are a majority of the ratepayers entitled to vote thereon; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 27  
of town of  
Bruce Mines  
and agreement  
with the Cop-  
per Mining and  
Smelting Co.  
confirmed.

1. Saving and excepting paragraph 2 of the said by-law and subject to the provisions of section 2 of this Act, By-law Number 27 of the Corporation of the Town of Bruce Mines, finally passed on the Twenty-first day of December, A. D. 1905, intituled "A By-law to fix the assessment of all the property and assets of The Copper Mining and Smelting Company of Ontario, Limited, within the limits of the Town of Bruce Mines for a period of ten years," which is hereunto annexed as Schedule "A" to this Act, is hereby confirmed and declared legal, valid and binding upon the said Corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said Municipality to pass the By-law and notwithstanding any defect in substance or in form of the said By-law, or in the manner of passing the same, and the said agreement referred to in and made a part of the said By-law is ratified and confirmed and the said Corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law and the agreement therein referred to.

Property to be  
liable to taxa-  
tion for school  
purposes.

2. Notwithstanding anything contained in the said by-law, the lands and property of the said company shall be liable to assessment and taxation for school purposes in the same manner and to the same extent as if the said by-law had not been passed.

### SCHEDULE "A."

#### BY-LAW NUMBER 27.

A BY-LAW to fix the assessment of all the property and assets of The Copper Mining and Smelting Company of Ontario, Limited, within the limits of the Town of Bruce Mines for a term of ten years.

Whereas the Copper Mining and Smelting Company of Ontario, Limited, are proceeding to acquire all the property and assets of the Bruce Copper Mines, Limited, and propose to actively engage in the business of mining, reducing, smelting and otherwise treating copper and other minerals, and have applied to the Council of the Corporation of the Town of Bruce Mines to fix a basis of assessment both for municipal and school taxation purposes of all such property and assets, for a period of ten years.

And whereas in the opinion of the Council of the Corporation of the Town of Bruce Mines, it is expedient and proper to grant the request of said company;

And whereas according to the last revised assessment roll of the said town, being that for the year 1905, the amount of the whole rateable property of the Municipality of the Town of Bruce Mines is \$166,060.

And whereas the existing debenture indebtedness of the said town is the sum of \$3,400 for principal and \$1,530 for interest and no part of the said principal or interest is in arrears;

Therefore the Municipal Council of the Corporation of the Town of Bruce Mines enacts as follows:—



1. That all the properties, lands, mines, mills, works, plants, smelters, refineries, all personal property, all franchises used in connection with the objects for which said Company was incorporated, telegraph and telephone lines, docks, wharves, warehouses, businesses, and all other property of every description which may or might be subject to assessment under the provisions of *The Assessment Act* or any amendment thereto, belonging to the Copper Mining and Smelting Company of Ontario, Limited, now upon or which may, during the term of ten years from the date of this By-law shall take effect, be placed upon any of the lands (at present within the limits of the Town of Bruce Mines) which said Company shall have acquired from The Bruce Copper Mines, Limited, shall, for all purposes of assessment both for municipal and school taxes, during said term of ten years, be fixed and determined at the sum of not more than \$35,000 in each year, and at no greater sum in any one year,—the said sum of \$35,000 hereby being fixed as the maximum amount at which the assessable property of said Company in said Town of Bruce Mines shall be assessed by said Corporation for payment of any municipal or school taxes, rates or other assessments.

2. That all other property or lands which the said Company shall or may hereafter acquire or become possessed of, other than that which is at present within the limits of the Corporation of the Town of Bruce Mines and which is being transferred from the Bruce Copper Mines, Limited, to said Company, shall, providing same shall have been acquired or become possessed of, for any legitimate purpose or object for which said Company was incorporated, and not for residential purposes or for the purpose of carrying on the business of a retail merchant, be included in the fixed assessment of \$35,000 before mentioned, and shall not be liable to any other assessment than aforesaid, during said period of ten years. Provided, however, that if said Company shall have acquired or become possessed of any such extra property or lands and shall use same for residential purposes or for the purpose of carrying on the business of a retail merchant, then such property or lands so acquired and so used for lastly named purposes, shall be assessable the same as any other property or lands of a similar nature in the vicinity is assessable.

3. If at any future time within the said term of ten years, the present boundaries of the Corporation of the Town of Bruce Mines should be enlarged so as to include additional property, at present not within the limits of said town, and if said additional property or territory shall be or shall become the property and assets of the said The Copper Mining and Smelting Company of Ontario, Limited, then such additional property or territory shall be included in the fixed assessment of \$35,000 before mentioned and shall not be liable to any other assessment than as aforesaid, provided, of course, that such additional property or territory shall be used by said Company for actual mining, smelting or refinery purposes or for any other legitimate purpose for which said Company was incorporated, and not for residential purposes or for the purpose of engaging in any retail mercantile business, otherwise said additional property or territory shall be liable to assessment the same as other property of a similar nature in the vicinity is assessable.

4. The Mayor and Clerk of the said Corporation are hereby authorized and empowered to make and enter into an agreement with the Copper Mining and Smelting Company of Ontario, Limited, in the form and to the effect hereinafter mentioned in Schedule "A" hereto, which said agreement is hereby incorporated in and shall form part of this By-law.

5. This By-law shall take effect upon, from and after the 31st day of December, A. D. 1905.

6. That the vote of the qualified electors of said Town of Bruce Mines shall be taken on this By-law by ballot pursuant to *The Consolidated Municipal Act of 1903*, on Saturday, the 23rd day of September,

tember, A.D. 1905, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day at the place and by the Returning Officer hereunder specified, that is to say; at the Temperance Hall, Bruce Mines, by Thomas Sullivan, Returning Officer.

7. That on Saturday, the 23rd day of September, A.D. 1905, at the hour of eight o'clock in the forenoon, the Mayor of the said town shall attend at the Temperance Hall, Bruce Mines, for the purpose of appointing in writing signed by himself two persons to attend at the final summing up by the Returning Officer of the votes polled on this By-law and also of appointing some person on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law.

8. That the Clerk of this Council shall sum up the number of votes given for and against this By-law at the Temperance Hall, Bruce Mines, on the 23rd day of September, A. D. 1905, at the hour of 5.30 o'clock in the afternoon.

Read a first and second and third time this 25th day of August, A. D. 1905.

A. DOWNING, Mayor.  
THOS. SULLIVAN, Clerk.

Finally passed in open council this twenty-first day of December, A. D. 1905.

A. DOWNING, Mayor.  
THOS. SULLIVAN, Clerk.

#### Schedule "a."

Memorandum of Agreement made and entered into this 25th day of August, A. D. 1905, between The Copper Mining and Smelting Company of Ontario, Limited, hereinafter called the "Company," of the first part, and the Corporation of the Town of Bruce Mines, hereinafter called the "Corporation," of the second part.

Whereas the Company is proceeding to acquire all the property and assets heretofore owned by the Bruce Copper Mines Limited, and proposes to engage at Bruce Mines in the business of mining, reducing, smelting and otherwise treating copper and other minerals, or in manufacturing from the products of said ores and has applied to said Corporation to fix a basis of assessment for municipal and school taxes on all their property for a period of ten years;

And whereas these presents are given for the purpose of more clearly expressing the understanding between said Company and said Corporation;

Therefore this agreement witnesseth as follows; that is to say:

1. The Company, in consideration of the covenants herein contained on behalf of the Corporation, covenants with the Corporation;

(a). To acquire and operate the copper mine now existing and known as the Bruce Mines.

(b). To acquire, maintain, and operate the concentrating mill now erected at Bruce Mines.

(c) To construct, maintain and operate a suitable plant for the purpose of smelting and reducing the ores mined and raised from said Bruce Mines, and such other ores as the Company may desire to treat;

(d) To acquire, hold, and use the other lands, properties, plant, works and holdings of the said The Bruce Copper Mines, Limited, at the Town of Bruce Mines, and in the vicinity thereof;

(e) To employ, in and about and in connection with the said operation for two hundred and fifty (250) days at least in each

year

year during the term of ten years hereinbefore provided for, at least one hundred men at current wages, accidents, strikes and other circumstances beyond their control excepted.

(f) To pay all necessary costs of submitting By-law Number 27 hereto annexed to the Legislature of the Province of Ontario for its ratification or confirmation of said by-law;

In consideration whereof the Corporation covenants and agrees with said Company as follows, that is to say:—

(a) To submit By-law Number 27 hereto annexed to the qualified electors of the Town of Bruce Mines, and to endeavor to have the necessary assent of said electors given to said By-law.

(b) To observe and conform to the provisions and objects of said By-law as is provided for by same.

(c) To pay all necessary costs in connection with the drafting, publishing and obtaining the necessary assent of the qualified electors of said By-law.

It is further understood and agreed between said Corporation and Company that in case the Company's operations shall cease during the period of any one year during the said term of ten years, its property may be assessed for such period by the Corporation for municipal and school taxes as if this agreement and the said By-law had not been executed or passed, but the provisions of said By-law and agreement as to the residue of said term shall not otherwise be affected.

Wherever in this agreement and in said By-law the words "The Company" are used, such words shall extend to, mean and include the said Company, its successors and assigns, and other companies and corporations subsidiary thereto or allied therewith, and to companies which may hereafter and during said term be engaged in treating, reducing or refining ores mined by the said Company (party of the second part) or in manufacturing from the products of the said Company.

In witness whereof the said Company and the said Corporation have duly executed these presents.

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## CHAPTER 66.

## An Act respecting the Village of Campbellford.

*Assented to 27th April, 1906.*

## Preamble.

WHEREAS the Corporation of the Village of Campbellford have by petition represented that the said Village now contains over two thousand inhabitants and has by petition prayed that it may be incorporated as a Town with all the rights, powers and privileges of towns under *The Consolidated Municipal Act, 1903*, and amendments thereto, and that an Act may be passed to apportion the cost of maintaining the bridge on the River Trent within the limits of said Village, from and after the erection of said Village into a Town, in accordance with the terms of a report of a special committee of the Council of the United Counties of Northumberland and Durham, duly adopted by said Counties' Council, as set out in Schedule "A" to this Act, and of resolution No. 1,291, of the said Counties' Council set out in Schedule "B" to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

Incorporation  
of town of  
Campbellford.

1. On and after the first day of July, 1906, the Village of Campbellford, shall be and is hereby incorporated as a Town to be hereafter known as "the Corporation of the Town of Campbellford" and as such shall enjoy, possess and exercise all the rights, powers and privileges of towns under *The Consolidated Municipal Act, 1903*, and any amendments thereof.

Application of  
3 Edw. VII., c.  
19.

2. The provisions of *The Consolidated Municipal Act, 1903*, relating to matters consequent on the formation of new municipal corporations and the other provisions of *The Consolidated Municipal Act, 1903*, relating to towns shall after the first day of July, 1906, except so far as is herein otherwise



otherwise provided, apply to the said Town of Campbellford in the same manner as if the said Village of Campbellford had been erected into a Town under the provisions of the said *Municipal Act*.

3. The said Town of Campbellford shall comprise and Limits of town. consist of the present Village of Campbellford.

4. On the last Monday of the month of December, 1906. Date of nomination and polling. it shall be lawful for Edward Charles West, or the clerk of the municipality for the time being, who is hereby appointed returning officer, to hold the nomination for the first election of mayor and councillors at the town hall, in the said Town of Campbellford, at the hour of noon, of which due notice shall be given in the same manner as the same would be given if the said Town of Campbellford had been incorporated under the provisions of *The Consolidated Municipal Act, 1903*, and amending Acts, and he shall preside at the said nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week next following the said nomination, and the returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

5. The Council of the said Town shall have power by by-law to be passed before the last Monday in the month of December to appoint a deputy returning officer for each of the polling subdivisions of the said Town, each of whom shall have all the powers and perform all the duties of deputy returning officers in municipal elections for towns, and also by by-law to be passed within the time aforesaid to name the places in each of the several polling subdivisions at which the election of mayor and councillors shall be held in case a poll be required. Deputy returning officers.

6. The Council of the said Town, to be elected in manner aforesaid, shall consist of the Mayor, who shall be the head thereof, and six Councillors. Council—how composed.

7. The Mayor and Councillors so to be elected shall hold their first meeting at the council chamber, in the Ferris block, in the said Town of Campbellford, at eleven o'clock in the forenoon of the same day of the week next following the polling, and, if there shall not be any polling, on the same day of the week next following the nomination. First meeting of council.

8. The several persons who shall be elected or appointed under this Act shall make the declaration of office and Declarations of office and qualifications. qualification

qualification now required by *The Consolidated Municipal Act, 1903*, to be taken by persons elected or appointed to like offices in towns.

Qualification of electors, etc., at first election.

9. At the first election of Mayor and Councillors for the said Town of Campbellford the qualification of electors and that of officers required to qualify shall be the same as that required in villages by *The Consolidated Municipal Act, 1903*.

Application of village by-laws, etc.

10. All by-laws and municipal regulations which are in force in the Village of Campbellford shall continue and be in force as if they had been passed by the Corporation of the Town of Campbellford, and shall extend to and have full effect within the limits of the said Town.

Acts relating to village to apply to town.

11. All statutes heretofore passed and in force on the first day of July, A.D. 1906, relating to the said Village of Campbellford, shall remain in force and effect, and be applicable to the said Town of Campbellford.

Assets and liabilities of village to belong to town.

12. The Town of Campbellford shall in all matters whatsoever stand and be in the place and stead of the Village of Campbellford, and all property, assets, debts, liabilities and obligations of the Village of Campbellford shall belong to and be assumed and paid by the Town of Campbellford, and all matters begun or initiated by the said village may be completed by the said town, and all acts, matters and things whatsoever which might be lawfully done by the Village of Campbellford shall and may be done by the Town of Campbellford.

Officers of village to be officers of town.

13. All officers of said Village of Campbellford shall continue to act, and have power as such, as officers of and within the Town of Campbellford until the council of the said town shall otherwise order and direct.

Reeve and councillors of village to hold office until first election.

14. From the passing of this Act until the election of mayor and councillors of the said town, as aforesaid, the reeve and councillors of the said Village of Campbellford shall continue in office as the mayor and councillors respecting the said Town of Campbellford.

Maintenance of bridge over Trent river in town.

15.—(1) From and after the first day of July, 1906, and so long as the population of the Town of Campbellford shall not exceed 5,000, the corporation of the Town of Campbellford shall bear and pay one-fourth of the actual cost of the maintenance of the Bridge on the River Trent within the limits of the Town of Campbellford and shall bear and pay the expense of keeping the roadway and sidewalks on the bridge clear from dirt and snow, and the County of Northumberland shall bear and pay three-fourths of the costs of maintenance of the said Bridge, and such maintenance

tenance shall be made under the joint supervision of the said Corporations; provided, however, that the said Town may expend on said bridge in any one year any sum not exceeding ten dollars without the concurrence of the said counties.

(2) "Maintenance shall include rebuilding when necessary.

16. When and so soon as the population of the said Town exceeds five thousand, the said Town shall have exclusive jurisdiction over the said bridge and shall assume the liability thereof as provided by *The Consolidated Municipal Act, 1903*, or any amendments that may from time to time be made thereto.

Maintenance of bridge when population of town exceeds 5,000.

17. In case of the withdrawal of the Town of Campbellford from the jurisdiction of the Council of the United Counties of Northumberland and Durham all liability of the County Northumberland in connection with the maintenance or rebuilding of the said bridge shall thereupon cease notwithstanding the fact that the population of the said town at the time of such withdrawal shall be less than five thousand.

Maintenance of bridge on separation of town from county.

#### SCHEDULE "A."

COBourg, January 25th, 1906.

Your special committee appointed to meet the delegation from the Village of Campbellford beg to report as follows:—

Your committee has given the matter referred to us full consideration and recommend that the United Counties do not oppose the application of the corporation of the Village of Campbellford to incorporate as a town, provided that the following conditions be inserted in and form a part of the Act of Incorporation, that is to say:

From and after the passing of any Act incorporating the now Village of Campbellford into a town, the said Town of Campbellford shall assume and pay one-fourth of the annual costs of maintenance of the present counties' bridge across the River Trent within the limits of the said corporation, and will also keep the roadway and sidewalks clean and so long as the population of the said Town shall be less than 5,000, the County of Northumberland shall pay the other three-fourths thereof. But so soon as the population of the said town shall exceed 5,000, the said town shall assume all expense of maintenance and otherwise in connection with the said bridge and relieve the County of Northumberland from any further liability in connection therewith.

And further should the said Town of Campbellford at any time separate from the United Counties under the provisions of *The Municipal Act* all liability of the County of Northumberland in connection with the said bridge shall thereupon cease, notwithstanding

standing the fact that the population of the said town, upon separation, shall be less than 5,000.

(Signed) J. W. CREWS,  
Chairman.

T. H. TWEEDLE.  
R. D. RUTHERFORD.  
J. M. ARNOLD.  
THOS. DAVIDSON.  
HUGH MASTERSON.  
F. WOLFRAM,  
GEO. SPENCE.  
D. C. MATTHEWS.  
J. MILLER.  
GEO. DUNNET.

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SCHEDULE "B."

Moved by Mr. Miller,

Seconded by Mr. Matthews,

That the council of the Village of Campbellford be allowed to expend up to the sum of ten dollars in any one year on the Campbellford bridge or sidewalk without consulting with the Commissioner of said bridge, but no amount over ten dollars shall be expended by said council without first consulting with the counties commissioner of said bridge. This resolution shall come into effect when the village shall become incorporated as a town.—Carried.



## CHAPTER 67.

An Act to confirm By-law No. 474 of the Township  
of Cavan.*Assented to 27th April, 1906.*

**W** HEREAS the Corporation of the Township of Cavan Preamble.  
have, by their petition, shown that the Municipal  
Council of the Township of Cavan, in the County of Dur-  
ham, on the 28th day of March, A.D. 1905, finally passed  
a by-law numbered four hundred and seventy-four, A.D.  
1905, intituled "A By-law to provide for drainage works  
in the Township of Cavan, in the County of Durham, and  
for borrowing on the credit of the municipality the sum  
of six thousand two hundred and twenty-five dollars and  
fifteen cents for completing the same;" and that a large  
tract of land lying within the limits of the said corporation,  
at present of little value, might be made valuable by a  
feasible drainage scheme, which would empty surface  
water into a good and sufficient outlet in the adjoining  
Township of North Monaghan, in the County of Peter-  
borough, and that, under the provisions of *The Municipal  
Drainage Act*, some thirty-five owners of land within the  
said tract or area, and representing more than half the  
acreage thereof, and being, in fact, a majority of the  
actual owners of the said lands, in December, A.D. 1903,  
petitioned the council of the said corporation to pass such  
by-law; and that, there not being any counter petition or  
other opposition to the same, the said council proceeded  
to grant the prayer of the said petition, and, thereupon,  
appointed a skilled and qualified engineer, and, subse-  
quently, drainage viewers, who, together, reported to the  
said council in favor of the drainage works petitioned for,  
and devised a drainage scheme and made an assessment  
under the provisions of the said *Drainage Act*; and that  
the Clerk of the said council, as directed by section sixteen  
of the said *Drainage Act*, duly notified all parties assessed  
of the filing of the said report, and of the date of a meet-  
ing of the said council when the same would be considered;  
and that, subsequently, the said council duly held such  
meeting

meeting, when the said report was duly read and considered and an opportunity given to any persons who had signed the said petition to withdraw therefrom, and, at the close of the said meeting, no one having withdrawn from the said petition, the said report was thereupon adopted, and the said council proceeded to pass a provisional by-law authorizing the said drainage work; and that the said council duly served copies of the said report, and plans, specifications, assessments and estimates of the said drainage works on the corporation of the said adjoining municipality of North Monaghan, and published the said by-law, as directed by the said *Drainage Act*, and did all other acts and things therein required by law; and that the said council duly held a Court of Revision under the provisions of the said *Drainage Act* to revise the said assessments made by the said engineer and drainage viewers, when all such assessments were properly adjusted and finally revised; and that no appeal having been made from the said Court of Revision, and no motion or other proceeding having been made or taken against the said petition, report or provisional by-law, the said council, on the 28th day of March, A.D. 1905, finally passed the said by-law; that on or about the 28th day of April, 1905, an application was made by one George C. McBain, an owner of land within the area described in the said petition but who had not signed the same to the Drainage Referee, of the Province of Ontario, to set aside the said by-law on the ground among others that the petition was not signed by a majority in number of the residents and non-residents (exclusive of farmers' sons not actual owners) as shown to be the owners of land within the said area; that the said objection was not taken at the meeting held to consider the report of the engineer and drainage viewers although said McBain was present thereat; that as a fact the said petition was signed by a majority of the actual owners of lands to be benefited although a number of persons, who should have been assessed as farmers' sons, were entered on the roll as joint owners; that the said application was heard by the said Drainage Referee on the 1st day of June, 1905, and the said Drainage Referee has since reported that he finds as a matter of law the said petition was defective, the assessment roll of the said township for the year 1903 being then final and conclusive as to the status of owners of lands within the said area, as their names appeared on the said roll, but the said Drainage Referee suggests in his said report that application be made to the Legislature for an Act to legalize the said by-law and ordered a stay of proceedings thereon until the 1st day of February, 1906, that such application might be made; and has since enlarged the said stay until the 1st day of April, 1906; that a very large majority of the actual owners of lands within the said drainage area are now in favor of the said drainage

age

age works and desire that the said by-law be confirmed and that the said works be proceeded with; and whereas it appears that the said drainage work is desirable and necessary in the interests of the owners of lands within the said drainage area as well as of the said township and the public generally, and that grants to the amount of \$4,000 have been made by the Province of Ontario for the purpose of assisting the said work; and whereas the said corporation of the Township of Cavan has by its said petition prayed that an Act may be passed to confirm and legalize the said by-law and debentures to be issued thereunder; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 474 of the Municipal Corporation of the Township of Cavan, set forth in Schedule "A" to this Act, is hereby confirmed and declared legal, valid and binding upon the said Corporation of the Township of Cavan and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-law, or in the manner of passing the same, or in the petition therefor or otherwise; and the Corporation of the Township of Cavan is hereby authorized and empowered to issue debentures, as provided by the said by-law, and the debentures so to be issued under the said by-law are hereby declared to be valid and binding upon the said municipality, and the said Corporation of the Township of Cavan is authorized and empowered to levy and collect from the various lots and parts of lots and roads of the municipality mentioned and described in the said by-law the several yearly special rates and assessments mentioned and described in the said by-law, and the said corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said by-law No. 474 of 1905, and the issue and sale of debentures thereunder.

By-law No.  
474, of 1905, of  
the Township  
of Cavan  
confirmed.

2. Nothing in this Act contained shall affect the costs of any action, litigation or other proceeding now pending, but the same shall be in the discretion of the Court or Drainage Referee, as the case may be, and shall be awarded and determined in the same manner as if this Act had not been passed.

Costs of pending  
litigation  
not affected.

## SCHEDULE "A."

### BY-LAW No. 474.

A BY-LAW to provide for drainage work in the Township of Cavan, in the County of Durham, and for borrowing on the credit of the Municipality the sum of Six thousand two hundred and twenty-five dollars and fifteen cents for completing the same. Provisionally adopted the Twenty-first day of November, A.D. 1904.

Whereas the majority in number of the resident and non-resident

dent owners (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll of the property herein-after set forth to be benefited by drainage works have petitioned the Council of the said Township of Cavan praying that the area of land within the said Township and being described as follows: that is to say, part of the northeast quarter of lot number eight in the tenth concession, the northwest quarter of lot number nine in the tenth concession, the southeast quarter of lot number eight in the eleventh concession, the northeast quarter of lot number nine in the eleventh concession, the south half of lot number nine in the eleventh concession, lot number ten in the eleventh concession, and the northwest quarter of lot number eleven in the eleventh concession, and the southeast quarter of lot number nine, lot number ten, the north half of lot number eleven, part of the southwest quarter of lot number eleven, part of the south part of lot number eleven, the southeast quarter of lot number eleven, lot number twelve, the north half of lot number thirteen, the south half of lot number thirteen, the west half of lot number fourteen, the east half of lot number fourteen, the north half of lot number fifteen, the north half of lot number sixteen, all in the twelfth concession.

The southeast quarter of lot number thirteen, the southwest quarter of lot number thirteen, lot number fourteen, the north half of lot number fifteen, the south half of lot number fifteen, the west half of lot number sixteen, the east half of lot number sixteen, lot number seventeen, the west half of lot number eighteen, the east half of lot number eighteen, the west half of lot number nineteen, the east half of lot number nineteen, the west half of lot number twenty, the east half of lot number twenty, the west half of lot number twenty-one, the east half of lot number twenty-one, the north half of lot number twenty-two, the south half of lot number twenty-two, and lot number twenty-three, all in the thirteenth concession.

The south half of lot number twenty-three, the southeast quarter of lot number twenty-two, the west half of lot number twenty, the east half of lot number twenty, the east half of lot number nineteen, the west half of lot number nineteen, the south half of lot number eighteen, the north half of lot number eighteen, the southwest quarter of lot number seventeen, part of lot number seventeen, the east half of lot number sixteen, the west half of lot number sixteen, the east half of lot number fifteen, the southwest quarter of lot number fifteen, and part of lot number fifteen, all in the fourteenth concession.

Also the road allowances between the eleventh and twelfth concessions opposite part of lot nine, lot ten, and the west part of lot number eleven.

The road allowances between the twelfth and thirteenth concessions opposite lots numbers twelve, thirteen, fourteen, fifteen, and part of sixteen.

The road allowances between the thirteenth and fourteenth concessions opposite lots numbers fifteen, sixteen, seventeen, eighteen, nineteen, and twenty, and the east quarter line of road allowance on the thirteenth and fourteenth concessions may be drained by means of a drain or drains and the deepening, straightening, widening, clearing of obstructions or otherwise improving the stream, creek or watercourse, known as the Long Swamp Creek.

And whereas thereupon the said council has procured an examination to be made by John E. Belcher, Engineer, and George Cambell and Robert Vance, Drainage Viewers, being persons competent for such purpose of the said area proposed to be drained, and the means suggested for drainage thereof, and of other lands and roads liable to assessment under *The Municipal Drainage Act*, and has also procured plans, specifications, and estimates of the drainage work to be made by the said John E. Belcher, George Cambell, and Robert Vance, and an assessment to be made by the  
said



said engineer and drain viewers, of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as they can the proportion of benefit, outlet liability and injuring liability, which in their opinion will be derived or incurred in consequence of such drainage work by every road and lot or portion of lot, the said assessment so made being the assessment hereinafter by this By-law enacted to be assessed and levied upon the roads and lots or parts of lots hereinafter in that behalf specially set forth and described, and the report of the said John E. Belcher, George Cambell and Robert Vance in respect thereof and of the said drainage work being as follows:—

*Report Cavan Swamp Drain.*

To the Municipal Council of the Township of Cavan.

Gentlemen,—

1. Having been appointed your engineer to report on the practicability of draining the Cavan Swamp, I have made a thorough examination of this swamp, and beg to report as follows:—

2. I have made a survey and have taken the necessary levels, and find that an outlet drain can be constructed which will afford an outlet for the drainage of 2865.5 acres of land in the Township of Cavan and 78.0 acres in the Township of North Monaghan a list of which lands is attached.

3. These lands are to-day practically without value excepting for what wood there is on them, and in my opinion the construction of an outlet drain such as here contemplated would increase their value at least \$20 per acre if only for grazing purposes. Where the land is good a small expense in the construction of private drains to this outfall drain would largely aid the value.

4. There are besides some seven and a half miles of road or road allowance, (some 60 acres) in the Township of Cavan about three-quarters of a mile of this being the boundary line between the Townships of Cavan and North Monaghan, which the formation of this drain would materially improve in part, as on the thirteenth and fourteenth concession lines, enabling roads to be made, and on the remainder cheapening the cost of maintenance of existing roads and preventing flooding in the spring.

5. I have made plans, profiles and specifications which are submitted with the report.

6. Assuring myself that there was sufficient fall to insure the easy flow of the ditch, and that the ditch being small the quantities of excavation were also small, and not difficult to estimate approximately for the first 3,500 feet at the west end of Section No. 1, I did not go to the expense of cutting a line, it not being necessary for the purposes of this report, but contented myself with a careful survey in walking over the grounds. Therefore for the first 3,500 feet there are no levels shown on this profile.

7. Messrs. George Cambell and Robert Vance, your drain viewers, and myself, have carefully considered together what proportion of the costs of this drain should be borne by your municipality, and have unanimously agreed to recommend that the township contribute \$1,800.00 in addition to the cost as stated in paragraphs, 11 and 12 of this report, and in addition to any cost to which it is by law liable.

8. The charge against the Municipality of North Monaghan has been based on this according to the percentage which one-half of the portion in the swamp of the bundary line between the township is of the total mileage of roads affected.

9. The drain will be maintained by both municipalities, the Township of Cavan paying 96 per cent, the Township of North Monaghan 4 per cent., this being a fair division proportionate to the benefits derived by each from this drain.

10. After making a careful estimate of the quantities of excavation, etc., I find that the cost of this drain will be \$8,751.55, of which \$1,800.00 is chargeable against the Municipality of Cavan.

\$3,725.15 is chargeable against lands situated in the Township of Cavan, \$125.00 is chargeable against the Municipality of North Monaghan, and \$101.40 is chargeable against lands situated in the Township of North Monaghan, and \$3,000.00 is contributed by the Province of Ontario, the details of which are set forth in the accompanying list of lands affected, which further shows the estimated benefit derived individually by the lands affected, their individual liability in connection with the construction of the drain, and the individual yearly cost of defraying the same on a basis of paying this off in twenty annual instalments, the unpaid portion thereof bearing interest at five per cent.

11. Where the drain follows the thirteenth and fourteenth concession roads all the material excavated which is suitable for road making, such as gravel or clay will be spread along or near the centre of the road allowance as far as it will go up to the width of twelve feet. The cost of this, which until the nature of the ground is more fully determined it is impossible to estimate exactly, but which will be in the neighborhood of \$250.00, and the cost of any grubbing or close chopping which may be necessary to clear twelve feet along the centre of the road allowance, and which may be necessary for clearing right of way for the drain whereon the road allowance, which I estimate at \$250.00, will be borne by the Municipality of Cavan according to the Act.

12. I do not find that any additional bridges or culverts will be required on the present travelled roads of either municipality, excepting on the roads between lots twelve and thirteen in the twelfth concession of Cavan, where a culvert will be necessary, and opposite lot ten where the drain crosses the twelfth concession road in the Municipality of Cavan, costing altogether \$200.00, which cost will be borne by the Municipality of Cavan.

13. There is no necessity for bridges between highways and private lands or for farm bridges.

14. There are no ditches or private watercourses for which allowance need be made.

15. There are neither outlet liability nor injuring liability in connection with this drain.

All of which is respectfully submitted.

JOHN E. BELCHER,

Engineer.

Approved,

GEORGE CAMBELL.

ROBERT VANCE.

22nd September, 1904.

And whereas it has been found necessary to continue the said drainage work into the Municipality of the Township of North Monaghan, and the said engineer and drainage viewers have reported thereon;

And whereas the said Council of the Township of Cavan has duly served the head of the Municipality of the Township of North Monaghan with a copy of the said report, plans, specifications, assessments and estimates;

And whereas the said Municipality of North Monaghan has not appealed against the same, and the time for making such appeal has expired;

And whereas the amount of the whole rateable property of the said Municipality of the Township of Cavan, according to the last revised assessment roll is the sum of \$1,555,875;

And whereas the amount of the existing debenture debt of the said Municipality of Cavan is the sum of \$1,500.00, and none of the principal or interest thereon is in arrear;

And whereas the sum of \$6,225.15 is the amount of the debt intended to be created by this By-law, the sum of \$3,447.85 thereof being assessed against the Municipality, and the remainder thereof, \$2,777.30, being assessed against the said lands and lots and parts of lots, which said latter amount of the debt is created not only

on the security of the special rate relating thereto, settled by this By-law, but is also further guaranteed by the said Municipality of the Township of Cavan at large by the issue of debentures for the said total amount as hereinafter mentioned under the provisions of *The Consolidated Municipal Act, 1903*, and *The Municipal Drainage Act*;

And whereas the total assessed value of the said lands, lots and parts of lots, according to the last revised assessment roll is the sum of \$82,450.00;

And whereas the said engineer and drainage viewers have reported that their estimated cost of the work within the Municipality of Cavan is the sum of \$8,423.76, and in the Municipality of North Monaghan the sum of \$327.79, and that the cost thereof on the road allowance or boundary between the said municipalities is nothing, there being at that point a sufficient creek, already spanned by a proper bridge;

And whereas the said council are of opinion that the drainage of the area described is desirable;

Therefore the said Municipal Council of the said Township of Cavan pursuant to the provisions of *The Municipal Drainage Act*, enacts as follows:—

1. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work therein indicated and set forth shall be made and constructed in accordance therewith.

2. The reeve of the said Municipal Corporation of the Township of Cavan may borrow on the credit of the corporation of the said Township of Cavan, the sum of six thousand two hundred and twenty-five dollars and fifteen cents, being the funds necessary for the work not otherwise provided for, and may issue debentures of the corporation to that amount in sums of not less than \$100.00 each and payable within twenty years from the date thereof with interest at the rate of four and one-half per centum per annum, guaranteed by the municipality at large in the form and manner following, that is to say, such debentures to be sealed with the corporate seal of the Township of Cavan, and to be signed by the reeve and countersigned by the treasurer, to be repayable within twenty years after the issue thereof in equal yearly instalments, one of such debentures to be payable at the expiration of one year from the date of issue, and one of such debentures on a corresponding date in each of the succeeding nineteen years, and all such debentures to be payable at the office of the Bank of Toronto, in the Village of Millbrook such debentures to be without coupons, and to include the interest on the same at the rate of four and one-half per centum per annum on the amount payable thereunder in lieu of interest being payable annually in respect of each debenture, and each debenture to be for such amount that the aggregate amount payable for principal and interest in any year in respect of the instalments of the debt shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the said period of twenty years.

3. For paying the sum of \$2,777.30, the amount charged against the said lands so to be benefited as aforesaid, other than lands and roads belonging to or controlled by the municipality, and for covering interest thereon for twenty years at the rate of four and one-half per cent. per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots, and the amount of the said total special rate and interest against each lot or part of lot respectively shall be divided into twenty equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for twenty years after the final passing of this By-law during which the debentures have to run.

Concession



Concession.	Lot or part of lot.	Acres.	Value of benefit.	Value of liability.	To cover interest for 20 years at 4½ %	Total special rate.	Annual assessment during each year for 20 years.
			\$ c.	\$ c	\$ c.	\$	\$ c.
10	NE ¼ 8.	0.6	12 00	60	3222	9222	04611
10	NW ¼ 9.	1.0	20 00	1 00	5374	1 5374	07687
11	SE ¼ 8.	3.5	70 00	3 50	1 8812	5 3812	26906
11	NE ¼ 9.	11.7	234 00	11 70	6 2890	17 9890	89945
11	S ½ 9.	25.0	500 00	25 00	13 4380	38 4380	1 92190
11	10.	62.6	1,252 00	62 60	33 6508	96 2508	4 81254
11	NE ¼ 11.	3.4	68 00	3 40	1 8274	5 2274	26137
12	That part of the S W ¼ of lot 11 commencing at the S W angle of lot 11 thence northerly along the line between lots 10 and 11, 16 chains 27 $\frac{1}{16}$ links thence easterly parallel to the south line of lot 6 chains 27 $\frac{6}{16}$ links thence southerly parallel to west line of said lot 16 chains 27 $\frac{1}{16}$ links, thence westerly along south line of lot 6 chains 25 $\frac{8}{16}$ links to place of commencement.	11.0	220 00	11 00	5 9126	16 9126	84563
12	That part of the S W ¼ of lot 11 commencing at the centre of Lot 11 on the south boundary thence westerly along south line of said lot 5 chains 71 $\frac{1}{16}$ links thence northerly parallel to west line of said lot 35 chains 0 links thence easterly parallel to south line of said lot 5 chains 71 $\frac{1}{16}$ links thence southerly on centre line of said lot 35 chains 0 links to the place of commencement.	19.0	380 00	19 00	10 2128	29 2128	1 46064
12	The S W ¼ of lot 11 save and except thereunto as much as is described immediately above.	20.0	400 00	20 00	10 7504	30 7504	1 53752
12	SE ¼ 9.	2.5	50 00	2 50	1 8438	3 8438	19219
12	10.	96.0	1,920 00	96 00	51 6022	147 6022	7 38011
12	S ½ 11.	76.5	1,530 00	76 50	41 1204	117 6204	5 88102
12	NE ¼ 11.	27.6	552 00	27 60	14 8356	42 4356	2 12178
12	12.	107.2	2,144 00	107 20	57 6224	164 8224	8 24112
12	N ¼ 13.	86.8	1,736 00	86 80	46 6570	133 4570	6 67285



12	S $\frac{1}{2}$ 13	37.6	752 00	37 60	20 2108	57 8108	2 89054
12	W $\frac{1}{2}$ 14	65.0	1,300 00	65 00	34 9376	99 9376	4 99688
12	E $\frac{1}{2}$ 14	59.0	1,180 00	59 00	31 7138	90 7138	4 53589
12	N $\frac{1}{2}$ 15	84.0	1,680 00	84 00	45 1518	129 1518	6 45759
12	S $\frac{1}{2}$ 15	2.6	52 00	2 60	1 3974	3 9974	19987
12	N $\frac{1}{2}$ 16	30.0	600 00	30 00	16 1256	46 1256	2 30628
12	N W $\frac{1}{4}$ 21	8.0	160 00	8 00	4 3000	12 3000	61500
12	S W $\frac{1}{4}$ 21	2.0	40 00	2 00	1 0750	3 0750	15375
12	E $\frac{1}{2}$ 21	25.0	500 00	25 00	13 4374	38 4374	1 92187
12	N $\frac{1}{2}$ 22	40.0	800 00	40 00	21 5000	61 5000	3 075
12	S $\frac{1}{2}$ 22	15.0	300 00	15 00	8 0624	23 0624	1 15312
13	S W $\frac{1}{4}$ 13	31.4	628 00	31 40	16 8774	48 2774	2 41387
13	S E $\frac{1}{4}$ 13	38.0	760 00	38 00	20 4250	58 4250	2 92125
13	N $\frac{1}{2}$ 14	114.0	2,280 00	114 00	61 2750	175 2750	8 76375
13	N $\frac{1}{2}$ 15	91.0	1,820 00	91 00	48 9124	139 9124	6 99562
13	S $\frac{1}{2}$ 15	80.0	1,600 00	80 00	43 0000	123 0000	6 15000
13	W $\frac{1}{2}$ 16	100.0	2,000 00	100 00	53 7500	153 7500	7 68750
13	E $\frac{1}{2}$ 16	75.0	1,500 00	75 00	40 3124	115 3124	5 76562
13	N $\frac{1}{2}$ 17	65.0	1,300 00	65 00	34 9374	99 9374	4 99687
13	W $\frac{1}{2}$ 18	20.0	400 00	20 00	10 7500	30 7500	1 53750
13	E $\frac{1}{2}$ 18	19.0	380 00	19 00	10 2128	29 2128	1 46064
13	W $\frac{1}{2}$ 19	14.0	280 00	14 00	7 5250	21 5250	1 07625
13	E $\frac{1}{2}$ 19	8.0	160 00	8 00	4 3000	12 3000	61500
13	W $\frac{1}{2}$ 20	20.9	418 00	20 90	11 2338	32 1338	1 60669
13	E $\frac{1}{2}$ 20	19.0	380 00	19 00	10 2124	29 2124	1 46062
13	W $\frac{1}{2}$ 21	6.0	120 00	6 00	3 2250	9 2250	46125
13	E $\frac{1}{2}$ 21	48.5	970 00	48 50	26 0688	74 5688	3 72844
13	N $\frac{1}{2}$ 22	61.8	1,236 00	61 80	33 2174	95 0174	4 75087
13	S $\frac{1}{2}$ 22	100.0	2,000 00	100 00	53 7500	153 7500	7 68750
13	W $\frac{1}{2}$ 22	64.0	1,280 00	64 00	34 4000	98 4000	4 92000
13	W $\frac{1}{2}$ 23	90.0	1,800 00	90 00	48 3750	138 3750	6 91875
13	E 100 ac. 23						
14	That part of the W $\frac{1}{2}$ of Lot 15 commencing at the S W angle of Lot 15 thence northerly following the Western boundary of lot 15, 15 chains 86 $\frac{2}{3}$ links thence easterly parallel to the South boundary of said Lot 14 chains 50 links to the centre line of said lot thence Southerly along the centre line of said lot 15 chains 86 $\frac{2}{3}$ links, thence westerly along south boundary of said Lot 14 chains 50 links, to the place of commencement	6.2	124 00	6 20	3 3324	9 5324	47662

Concession.	Lot or part of lot.	Acres.	Value of benefit.	Value of liability.	To cover interest for 20 years at $4\frac{1}{2}\%$ .	Total special rate.	Annual assessment during each year for 20 years.
			\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
14	That part of the W $\frac{1}{2}$ of Lot 15, commencing at the centre of Lot 15, on the south boundary, thence northerly along the centre line of said lot 15 chains $86\frac{2}{10}$ links, to the place of beginning. Thence northerly along the centre line of said lot 54 chains $13\frac{1}{10}$ links, to the northern boundary of said lot, thence along said northern boundary 5 chains 0 links, thence southerly parallel to centre line of said lot 54 chains $13\frac{8}{10}$ links, thence easterly parallel to south boundary of said lot 5 chains 0 links, to the place of beginning.						
14	E. $\frac{1}{2}$ 15.....	6.2	124 00	6 20	3 3324	9 5324	47662
14	W $\frac{1}{2}$ 16.....	46.0	920 00	46 00	24 7250	70 7250	3 53625
14	E $\frac{1}{2}$ 16.....	43.0	860 00	43 00	23 1126	66 1126	3 30563
14	N $\frac{1}{2}$ 16.....	41.0	820 00	41 00	22 0376	63 0376	3 15188
14	N $\frac{1}{2}$ 17.....	25.0	500 00	25 00	13 4374	38 4374	1 92187
14	N E $\frac{1}{4}$ 17.....	43.0	860 00	43 00	23 1124	66 1124	3 30562
14	S W $\frac{1}{4}$ 17.....	50.0	1,000 00	50 00	26 8750	76 8750	3 84375
14	S E $\frac{1}{4}$ 17.....	50.0	1,000 00	50 00	26 8750	76 8750	3 84375
14	N $\frac{1}{2}$ 18.....	73.0	1,460 00	73 00	39 2376	112 2376	5 61188
14	S $\frac{1}{2}$ 18.....	100.0	2,000 00	100 00	53 7500	153 7500	7 68750
14	W $\frac{1}{2}$ 19.....	84.0	1,680 00	84 00	45 1500	129 1500	6 45750
14	E $\frac{1}{2}$ 19.....	40.0	800 00	40 00	21 5000	61 5000	3 07500
14	W $\frac{1}{2}$ 20.....	100.0	2,000 00	100 00	53 7500	153 7500	7 68750
14	N E $\frac{1}{4}$ 20.....	35.0	700 00	35 00	18 8126	53 8126	2 69063
14	S E $\frac{1}{4}$ 20.....	35.0	700 00	35 00	18 8124	53 8124	2 69062
14	E $\frac{1}{2}$ 22.....	2.6	52 00	2 60	1 3976	3 9976	19988
14	W 66 ac. 23.....	5.6	112 00	5 60	3 0100	8 6100	43050
14	E 100 ac. 23.....	3.5	70 00	3 50	1 8812	5 3812	26906
		2,777.30	\$55,546 00	\$2,777 30	\$1,492 8162	4,270 1162	213 50581

4. For paying the sum of \$3,447.85, the amount assessed against the said roads of the municipality, and for covering interest thereon for twenty years at the rate of four and one-half per cent. per annum, a special rate on the dollar sufficient to produce the required yearly amount therefor over and above all other rates shall be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the said Township of Cavan, in each year for twenty years after the final passing of this By-law, during which the said debentures have to run.

5. This By-law shall be published once in every week for four consecutive weeks in the *Reporter* Newspaper, published in the Village of Millbrook, in the said County of Durham, and shall come into force upon and after the final passing thereof, and may be cited as "The Long Swamp Drainage By-law."

6. Notwithstanding anything in the said report or this By-law contained, the said drainage work shall after the completion thereof be maintained as provided by section sixty-nine of *The Municipal Drainage Act* and amending Acts.

This By-law is hereby amended in pursuance of amending By-law No. 473 passed the 28th day of March, 1905.

And this By-law is finally passed this 28th day of March, A.D. 1905.

CHAS. McNEIL,  
Reeve.

JOHN J. FAIR,  
Clerk of the Township of Cavan.

(Seal, Corporation of Cavan).

## CHAPTER 68.

An Act respecting the Township of North Crosby  
and the Village of Westport.*Assented to 27th April, 1906.*

## Preamble

WHEREAS the Municipal Corporations of the Township of North Crosby and of the Village of Westport have by joint petition set forth, that certain debentures issued by the Township of North Crosby, on or about the First day of December, A.D. 1885, for \$11,000 by way of aid or bonus to The Brockville, Westport and Sault Ste. Marie Railway became due on the first day of December, A.D. 1905, and that the sinking fund of the said Township of North Crosby in connection with the said debentures was insufficient for payment of the same to the extent of the sum of \$2,671; and whereas it has also been made to appear that the said deficiency was caused in part by a reduction in the rate of interest allowed on said sinking fund and by the failure to levy certain instalments, owing to the financial embarrassment of the road and the uncertainty as to its construction; and whereas it has been made to appear that on or about the 17th day of June, A.D. 1903, the United Counties of Leeds and Grenville passed a by-law incorporating the Village of Westport, which previous thereto was a portion of the said Township of North Crosby; and whereas a by-law was passed by the Township of North Crosby, being By-law No. 413, providing for the share or proportion of the existing indebtedness which should be assumed by each of said municipalities, after the incorporation of the said Village of Westport; and whereas for the purpose of satisfying the said debentures and the expenses of a special Act of this Legislature the sum of \$2,900 at least would be required; and whereas, pursuant to the said by-law the proportion of the said \$2,900 required to pay such deficiency and expenses which should be assumed by the said Township of North Crosby is \$2,138.93 and the proportion of the said



said indebtedness which should be assumed by the said Village of Westport is \$761.07; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Corporation of the Township of North Crosby may issue debentures under the corporate seal and signed by the reeve and countersigned by the treasurer for the time being, for sums not less than \$100 each and not exceeding in all \$2,138.93 in the whole, as the council may direct, and the principal of said debentures and the interest accruing thereon may be made payable either in Canada or elsewhere and either in sterling money of Great Britain or in lawful money of Canada as the council may direct.

Township of Crosby authorized to issue debentures for \$2,138.93.

2. The said Corporation of the Village of Westport may issue debentures under the corporate seal and signed by the reeve and countersigned by the treasurer for the time being, for sums not less than \$100 each and not exceeding in all \$761.07 in the whole as the council may direct and the principal of said debentures and the interest accruing thereon may be made payable either in Canada or elsewhere and either in sterling money of Great Britain or in lawful money of Canada as the said council may direct.

Village of Westport authorized to issue debentures for \$761.07.

3. The said debentures issued by each of the said municipalities shall be payable within five years from the date thereof and the principal shall be payable in instalments as directed by the said council; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as near as may be to what is payable for principal and interest during each of the other years. The interest thereon shall be payable half-yearly at a rate not exceeding five per cent. per annum and coupons shall be attached for the payment of interest.

Debentures when payable.

4. It shall not be necessary to obtain the assent of the electors of either of the said municipalities to the issue of said debentures or either of them or to the passage of any by-law relating thereto or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

Assent of electors not required.

5. No irregularity either in the form of the said debenture or of any by-law authorizing the issue thereof shall

Irregularity in form not to invalidate.

render

render the same invalid or illegal or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof.

Special rate for  
payment of  
debentures.

6. The said Corporations shall respectively during the currency of the said debentures levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of said debentures authorized to be issued by each of the said municipalities under this Act and no sinking fund need be provided for.

Application of  
proceeds of  
debentures.

7. The said Corporations may raise money by the sale or hypothecation of the said debentures as they may deem expedient and all moneys to be derived from such sale or hypothecation shall be applied for the payment of such deficiency and expenses and to and for no other purposes.

## CHAPTER 69.

## An Act respecting the Township of Eastnor.

*Assented to 27th April, 1906.*

**W**HEREAS the Corporation of the Township of Eastnor, in the County of Bruce, has, by its petition, represented that on the 2nd day of May, 1903, the Municipal Council of said township duly passed a By-law No. 591, providing for the construction of certain drainage work therein specified and known as the "Swan Lake Drainage Scheme," and for the issue of debentures to defray the cost thereof, but that through delay or other causes debentures were not issued, and the time allowed by law for such purpose has expired; that said Council, on the 21st day of March, 1906, duly passed a By-law No. 754 to authorize the issue of debentures for the sum of \$1,400 now required to pay the cost of such work; and whereas it is further represented by said petition that the said Council on the 11th day of October, 1902, duly passed a By-law No. 588, providing for the construction of certain drainage works known as the "Fern Creek Drainage Scheme," but from the preliminary estimate of the cost of said work it was intended by said Council at the time of passing said by-law that the said work should be paid for during the then present year, and no provision was made therein for the issue of debentures in respect of said work, and certain annual levies or assessments have been paid in by the ratepayers concerned and applied on account of the cost thereof, that the balance or amount due in respect of said work is the sum of \$1,200, and on the 21st day of March, 1906, the said Council passed By-law No. 755 authorizing the issue of debentures for said sum; and whereas it is further represented by said petition that on the 16th day of March, 1901, the said Council passed a By-law No. 551 providing for the construction of certain drainage work therein specified known as the "Judge's Creek Drainage Scheme," and certain debentures have been issued and sold thereunder to defray the cost thereof as originally estimated, that on the 21st day of March, 1906, the said Council passed a By-law No. 756 authorizing the issue of debentures to the amount of \$2,800, which sum is  
now

now required to redeem loans and advances made in respect of said work over and above the original estimate, and also to complete a branch drain included in the scheme which has not yet been constructed; and whereas it is further represented by said petition that the said Council on the 5th day of June, 1905, duly passed a By-law No. 699 providing for the issue of debentures to defray the cost of constructing certain granolithic sidewalks in the unincorporated Village of Lion's Head in said Township and the assessments and levies thereunder for the year 1905 have been paid in and applied in reduction of the cost of said work, but the said debentures have not yet been issued; that in order to correct certain clerical errors in said By-law No. 699 and the local assessments so as to provide for the final cost of said sidewalks as then ascertained the said Council on the 21st day of March, 1906, duly passed a By-law No. 753 authorizing the issue of debentures to the amount of \$1,500 to defray the cost of said work after deducting and allowing the sums so collected and applied on account thereof; and whereas it is further represented by said petition that all the said works which have been completed under the authority of the said recited by-laws have been paid for by moneys advanced to the said Corporation by the Union Bank of Canada, and out of the general funds of the said Corporation, from time to time, and it is desirable that such advances which are still outstanding should now be repaid, that the said Corporation has been negotiating for the sale of debentures to be issued under said by-laws in order to repay the said advances and complete the said works, that doubts have arisen as to the validity of the said by-laws, and as to the power of the said Corporation in respect thereof; and whereas the said Corporation has prayed that the said by-laws should be confirmed and the said Corporation empowered to issue debentures thereunder; and whereas no opposition has been made to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws  
Nos. 753, 754,  
755 and 756  
of township  
of Eastnor  
confirmed.

1. By-laws Nos. 753, 754, 755 and 756 of the Corporation of the Township of Eastnor as set forth in Schedules "A," "B," "C" and "D" to this Act are confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof affected by the said by-laws respectively, notwithstanding any defect in substance or form of the said by-laws or any of them, or in the authority of the Municipal Council of said Township to pass the same, or in the manner of passing the same, or otherwise, and the said Corporation is authorized and empowered to issue



issue debentures as provided by the said by-laws respectively, and the debentures so to be issued under the said by-laws are declared to be valid and binding upon the said Corporation notwithstanding any irregularity in the issue or form thereof, and the said Corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said by-laws and the issue and sale of debentures thereunder.

2. All assessments and levies which have been made under By-laws 551, 588, 591 and 699 of the said Corporation hereinbefore referred to or which may be made under said By-laws 753, 754, 755 and 756 are ratified and confirmed, and the said Council is empowered to enforce payment of any arrears thereof in the same manner as arrears of taxes. Assessments under by-laws confirmed.

3. It shall not be necessary to register any of said by-laws or to give public notice of the passing thereof, or to comply with any formality other than is required by this Act. Registration of by-laws not requisite.

4. Debentures to be issued under said By-laws Nos. 753, 754, 755 and 756 shall be issued within one year from the passing of this Act. Time for issue of debentures.

5. Nothing in this Act contained shall prejudice or affect any right of action for damages which one William Graham may have against the said corporation by reason of the neglect or failure of the said corporation to construct any of the works provided for by the said By-law No. 551. Act not to affect right of action of William Graham.

## SCHEDULE "A."

### BY-LAW No. 753.

A By-law of the Municipal Corporation of the Township of Eastnor, in the County of Bruce, to provide money by the issue of debentures for the construction of permanent sidewalks on certain portions of the streets in the Village of Lion's Head in the said township.

Whereas petitions were received by the council of the said township praying for the construction of granolithic sidewalks on Main Street in the said Village of Lion's Head, from Everatt Street south on the west side of Main Street to lot 19, T.S.D., of lot 26, concession 5E, a distance of 1412 feet in all, including street crossings, and from Scott Street south on the east side of Main Street to Moore Street, a distance in all, including street crossings, of 1366 feet, also certain street crossings as follows:

First: A crossing from the east side of Main Street to the west side, to be in a line with the sidewalk on the south side of Webster Street.

Second: Also a crossing from the east side of said Main Street to the west side of said street, and to be in a line opposite lot 17 on the east side of Main Street, a width of three feet.

Third: Also a crossing from the north side of Webster Street East to the south side of said street..

Fourth. Also a crossing from the north side of Webster Street West to the south side of said street.

Fifth: Also a crossing from lot 7 south to lot 6, M.S.D., lot 27, concession 5E.

Sixth: Also a crossing from the north side of Mill Street to the south side of said Mill Street, all crossings east and west to be three feet wide, and to be so constructed as to pipes for the escape of water, and to be built on each side of said Main street in a line with the main sidewalk, and to be so built or constructed as to offer the least resistance to wheeled traffic, such respective petitions being signed by at least two-thirds in number of the owners of the real property to be benefited thereby, respectively, according to the last revised assessment roll of the municipality, such owners representing in each case at least one-half in value of such real property the number of such owners and the value of such real property as appeared by the last revised assessment roll of the municipality, having been first ascertained and finally determined in the manner and by the means provided by a by-law in that behalf), and thereupon the municipal council of the said township did, in the case of each proposed work, decide in favor of the construction thereof;

And whereas such several sidewalks and crossings were duly constructed under the supervision of a committee appointed by the council for that purpose, and temporary advances were obtained to meet the costs thereof, and such committee has made a report thereon showing that the said respective works have been fully completed, and showing the cost of the said works, and making an assessment thereof upon the properties benefited by the respective works;

And whereas on the 5th day of June, 1905, the municipal council of said township duly passed a By-law No. 699 to authorize the issue of debentures to defray the cost of the said sidewalks and crossings, and to repay the advances made in respect thereof, but the said debentures have not yet been issued, and it has been discovered according to the final estimate of cost now ascertained by said council errors were made in said By-law No. 699 in respect of the proportion of said cost to be payable by the municipality and the property owners benefited, respectively, and the term and manner of payment of the said debentures, and it is desirable to amend the said by-law in the manner hereinafter provided;

And whereas under the authority of said by-law the assessment and levy therein provided, payable for the year 1905 to the amount of \$176.27, has been collected and applied in reduction of the cost of said sidewalks, and of the special loan or advance made for such purpose, the same having been raised *pro tanto* upon all rateable property in said township, and by special frontage rate upon the properties benefited;

And whereas the value of the whole real property on the west side of Main Street, rateable in respect of the sidewalk on that side of the said street, and of the proportion of the cost of crossings, is \$11,600, and the cost of such sidewalk and crossings as so reduced is \$762.42, and the township's share thereof is \$347.73, and the property owners' share thereof is \$414.69, and the value of the whole real property on the east side of Main Street, rateable in respect of the sidewalk on that side of the said street, and of the proportion of the cost of crossings, is \$7,500, and the cost of such sidewalk and crossings as so reduced is \$737.58, and the township's share thereof is \$352.70, and the property owners' share thereof is \$384.88;

And whereas the frontage of the real property benefited on the west side of Main Street, including the said street crossings, is 1280 feet, and the frontage chargeable thereon to the said corporation is 132 feet, and the cost per foot frontage chargeable against the real property benefited is 34½ cents, and the rate per foot frontage to be levied in each year for the period of ten years on such real property is 4.325 cents, all as ascertained and determined by the report

port of the said committee and by the Court of Revision, and set out in the first schedule hereto;

And whereas the frontage of the real property benefited on the east side of Main Street, including street crossings, is 1366 feet, and the cost per foot frontage chargeable against the real property benefited is 34½ cents, and the rate per foot frontage to be levied in each year for the period of ten years on such real property is 4.325 cents, all as ascertained and determined by the report of the said committee and by the Court of Revision, and set out in the second schedule hereto;

And whereas the sum of \$1,500, being the total cost of the said works less the amount levied and applied thereon for the year 1905 under By-law No. 699 of the said corporation, is the amount of the debt to be created by this by-law, and for the purpose of repaying such temporary advances it is expedient to raise the said sum of \$1,500 by debentures of the said township, the principal to be payable in ten annual instalments with interest at the rate of four and a half per cent. per annum;

And whereas the probable life of the said sidewalks and crossings as certified to said council when constructed is twelve years, for which term ten years now remain.

And whereas it will require the sum of \$189.57 to be raised annually for a period of ten years to pay the said debentures and interest, of which the sum of \$88.52 is in respect of the share of the said township, and the sum of \$101.05 in respect of the share to be borne by the property benefited;

And whereas the sum of \$799.57, part of the said debt, is created on the security of the special rates settled by this by-law, and is further guaranteed by the municipality at large;

And whereas the whole rateable property of the said municipality according to the last revised assessment roll is the sum of \$400,000.00, and the amount of the existing debenture debt of the said municipality, exclusive of local improvement debts secured by special Acts, rates or assessments, is the sum of \$1,000 only, of which no part of the principal or interest thereon is in arrear;

Therefore the corporation of the Township of Eastnor enacts as follows:

1. It shall and may be lawful for the reeve and treasurer of the said Township of Eastnor to borrow on the credit of the corporation of the said township the said sum of \$1,500, being the amount now necessary to pay for constructing the said sidewalks and crossings, and to issue debentures of the said corporation for that amount.

2. That such debentures shall be paid in ten equal annual instalments of \$189.57, each to cover a portion of the debt and interest at the rate of four and a half per cent. per annum so that the aggregate amount for principal and interest in any year shall be equal to what is payable for principal and interest in any of the other years during the said period, and such debentures shall be payable at the Union Bank in the Town of Warton, on the 31st day of December in each year for ten years, commencing with the 31st day of December, 1906, the last of such debentures maturing on the 31st day of December, 1915.

3. For the purpose of paying the sum of \$700.43 charged and assessed against the Township of Eastnor, and to cover interest thereon for ten years at the rate of four and a half per cent. per annum, there shall be assessed, levied and collected in the same manner, at the same time, and along with the other township rates and taxes in each year for ten years, commencing with the year 1906, over and above all other rates, the sum of \$88.52 by a special rate on the dollar upon and from the whole rateable property in the said township.

4. For the purpose of paying the said sum of \$799.57, being the amount charged and assessed against the real property benefited, and to cover interest thereon for ten years at the rate of four and



a half per cent. per annum, before mentioned, there shall be assessed, levied and collected in the same way, and at the same time, and along with the other township rates and taxes each year for ten years, commencing with the year 1906, over and above all other rates levied and collected yearly upon the real property fronting or abutting on the said portions of the east and west sides of Main Street, hereinbefore mentioned, a special rate per foot frontage of 4.325 cents, a schedule of which special rate is attached to this by-law, and shall be read as forming part thereof. The said debt of \$799.57, and the portion of said debentures issued in respect thereof, are further guaranteed by the corporation of the Township of Eastnor at large.

5. That the proceeds of the debentures for the said sum of \$1,500 shall be expended in paying and discharging the temporary loan or debt incurred in and for the construction of the said sidewalks and crossings, and in no other way, and for no other purpose whatever.

6. That the owners of the real property so benefited as aforesaid shall be allowed to commute the statute labor charged to the lot or lots owned by them, at the usual rate in this township, i.e., at \$1 per day of 8 hours, which shall be applied to the payment of the frontage rate for said sidewalks in each and every year, until said sidewalks and all expenses in connection therewith have been fully paid. Any excess of statute labor that may be charged against any lot or lots, over the amount of the said frontage rate, shall be performed in the road division in which said lot or lots are situated under the instructions of the pathmasters of said division.

7. If at any time the owners of the said real property benefited, or of any part thereof, shall desire to commute the assessment imposed by the said by-law by the payment of his, her or their proportionate share or shares of the cost of the said improvements as a principal sum in lieu thereof, he, she or they may so commute for the payment of a sum which, invested at three per cent. compound interest, shall equal the amount of his, her or their proportionate share of said debt and be sufficient to discharge the proportionate amount of said debentures and interest as the same become payable.

8. All moneys received in commutation under this by-law shall be invested in the manner provided for by the municipal Acts which may, from time to time, be in force with relation to the investment of sinking funds for the payment of debentures.

9. That all by-laws inconsistent herewith be and the same are hereby repealed.

Passed this twenty-first day of March, A.D. 1906.

(Sgd.) W. B. MOSHIER,  
Reeve.

(Seal.)

(Sgd.) W. H. MIERS,  
Township Clerk.

SCHEDULE REFERRED TO IN FORMING PART OF BY-LAW NO. 753 OF THE  
TOWNSHIP OF EASTNOR, PASSED 21ST MARCH, 1906.

Name.	Lot.	Sub-Div.	Feet Frontage	Share cost at 34½c.	An. rate cts.
D. R. McIver .....	4	S.S.D.	35	\$11 96	\$1 51
D. R. McIver .....	5	"	35	11 96	1 51
C. W. Erb .....	2 & 3	"	70	23 92	3 02
J. Tackaberry .....	1	"	75	25 64	3 24
Chas. Williams, Sr.....	Pt. 27	5 E	191	66 32	8 26
A. Lymburner .....	12	M.S.D.	66	22 56	2 85
T. A. Bruin .....	11	"	66	22 56	2 85
Wm. Butchart .....	10	"	66	22 56	2 85
Alex. Chisholm .....	8 & 9	"	132	45 14	5 70
W. B. Moshier .....	6 & 7	...	132	45 14	5 70
J. G. M. Sloane .....	4 & 5	"	132	45 14	5 70
					Name.



Name.	Lot-	Sub-Div.	Feet Frntage	Share cost at 34½c.	An. rate 4.325 cts.
Chas. Pedwell .....	3	"	66	22 56	2 85
Alex. Chisholm .....	2	"	66	22 56	2 85
Trustees Meth. par. ...	1	"	82	28 03	3 54
Trustees Meth. Church	Pt. 26	"	66	22 56	2 85
J. H. Tyndall .....	1	W.S.D.	66	22 56	2 85
H. Duke .....	2	"	66	22 56	2 85
Mrs. J. Martin .....	Pt. 3	"	33	11 28	1 42
Chas. Williams, jr. ...	Pt. 3 & 4	"	66	22 56	2 85
A. T. Bruin .....	Pt. 4	"	33	11 28	1 43
G. S. Armstrong .....	5	"	66	22 56	2 85
Agar Bros. ....	6	"	66	22 56	2 85
Geo. Williams .....	7	"	69½	23 75	3 00
C. Watson .....	Pt. 8	"	34½	11 79	1 50
S. C. Cooper .....	Pt. 8 & 12	"	94	32 14	4 06
Chas. Knapp .....	Pt. 9	"	33	11 28	1 43
John McKague .....	Pt. 9	"	33	11 28	1 42
M. J. Norris .....	10	"	66	22 56	2 85
J. A. Ganton .....	11	"	66	22 56	2 85
T. J. Bridge .....	14	"	66	22 56	2 85
Trustees Chr. Ch. ....	15	"	66	22 56	2 85
S. J. McLeod .....	16	"	66	22 56	2 85
Wm. Butchart .....	17	"	66	22 56	2 85
Tp Eastnor.....	13 & crossings	"	442	700 43	88 52
				<hr/> 2,778 \$1,500 00	

## SCHEDULE "B."

## BY-LAW No. 754.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$1,400 to defray the cost now outstanding of the work known as the "Swan Lake Drainage Scheme."

Whereas on the 2nd day of May, A.D. 1903, the municipal council of the Township of Eastnor duly passed their By-law No. 591 to provide for certain drainage work therein described and known as the "Swan Lake Drainage Scheme," and also to borrow on the credit of the said municipality the sum as therein estimated which was required to complete the said work;

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of which Act, with respect to said work, were duly complied with;

And whereas owing to delay in proceeding with said work, and other causes, debentures have never been issued as authorized by said by-law, and the time limited by law for the issue of the same by said council has now expired;

And whereas during the progress of said work advances have, from time to time, been made to pay for the same by the bank, and out of the general funds of the municipality, and the work so far as completed has thus been paid for;

And whereas the annual levy or assessment upon the lands benefited by said scheme as authorized by said By-law No. 591 have been collected and applied towards the reduction of said cost;

And whereas a portion of said scheme remains yet to be completed, and, in order to complete the same and to repay the said loans and advances, it will be necessary for the said municipality to raise the sum of \$1,400 upon the credit of the debentures thereof to be issued as hereinafter provided;

And whereas in order to provide for the annual levy required to pay the said sum it is desirable and expedient to charge the lands and roads in said scheme on the plan and in the same proportion as set out in said By-law No. 591;

And whereas the said By-law No. 591 does not provide sufficient funds to complete the said drainage scheme work, nor does it provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, and it is, therefore, necessary and desirable that the said by-law should, under the provisions of *The Ontario Drainage Act*, be amended in order to fully carry out the intention of the said by-law;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said township is hereby authorized to borrow on the credit of the corporation of the Township of Eastnor the sum of fourteen hundred dollars, being the funds necessary for the completion of the said work as originally set out, and to repay the loans and advances already made in respect of the same and now outstanding, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within ten years from the date thereof with interest at the rate of four and a half per cent. per annum payable annually during the currency of said debentures, and such instalments of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Wiarton, on the 31st day of December in each year, commencing with the 31st day of December, 1906, and such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$1,400, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work and now outstanding, and in completing the said work as set out in said By-law No. 591, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. The lands and roads set out in said By-law No. 591 shall be charged with the liability hereby incurred upon the same plan and in the same proportion as was provided in said by-law.

5. For paying the sum of \$1,184.27, part of the said sum of \$1,400 being the amount charged against the said lands for benefit and outlet liability apart from the roads, and the sum of \$215.73, part of the said sum of \$1,400 being charged against said lands and roads belonging to the said municipality, and for covering the interest thereon for ten years at the rate of four and a half per cent. per annum the following total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected, upon and from the after mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot, respectively, shall be divided into ten equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for ten years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

Lot.	Con.	Acres.	Value of benefit.	Value of outlet liability.	To cover int. 10 yrs at 4½ %.	Tot. spec'l rate.	An Ass't for 10 yrs.
33 .....	3 E	62	\$86 80	.....	\$21 48	\$108 28	\$10 83
34 .....	3 E	63	88 20	.....	21 83	110 03	11 00
32 .....	4 E	20	28 00	.....	6 93	34 93	3 49
36 .....	4 E	1	1 40	.....	35	1 75	17
36 .....	5 E	3	4 20	.....	1 04	5 24	52
Swan Lake .....		401	561 40	.....	138 94	700 34	70 03
Tp. Eastnor rds.		70	98 00	.....	24 26	122 26	12 26
31 .....	1 W	30	.....	13 09	3 24	16 33	1 63
34 .....	1 W	10	.....	4 36	1 08	5 44	54
32 .....	1 W	5	.....	2 18	54	2 72	27
36a s.							30

Lot.	Con.	Acres.	Value of benefit.	Value of outlet liability.	To cover int. 10 yrs. at 4½ %.	Total special rate.	An Ass't for 10 yrs.
30 .....	1 E	20	.....	8 73	2 16	10 89	1 09
31 .....	1 E	25	.....	10 90	2 70	13 60	1 36
32 .....	1 E	80	.....	34 88	8 63	43 51	4 35
33 .....	1 E	93	.....	40 56	10 04	50 60	5 06
34 .....	1 E	39	.....	17 01	4 21	21 22	2 12
30 .....	2 E	100	.....	43 60	10 79	54 39	5 44
31 .....	2 E	100	.....	43 60	10 79	54 39	5 44
32 .....	2 E	100	.....	43 60	10 79	54 39	5 44
33 .....	2 E	100	.....	43 60	10 79	54 39	5 44
34 .....	2 E	100	.....	43 60	10 79	54 39	5 44
35 .....	2 E	25	.....	10 90	2 69	13 59	1 36
35 .....	3 E	3	.....	1 32	33	1 65	16
30 .....	3 E	60	.....	26 17	6 48	32 65	3 26
29 .....	3 E	25	.....	10 90	2 70	13 60	1 36
28 .....	3 E	25	.....	10 90	2 70	13 60	1 36
27 .....	3 E	10	.....	4 37	1 08	5 45	54
Tp. Eastnor rds. 270			.....	117 73	29 14	146 87	14 69

1,840 \$868 00 \$532 00 \$346 50 \$1,746 50 \$174 65

6. For paying the said sum of \$215.73, the amount assessed against the roads of the said municipality, and for covering the interest thereon for ten years at the rate of four and a half per cent. per annum a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for ten years after the final passing of this by-law during which the said debentures have to run, and commencing with the year 1906.

7. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of By-law No. 591 of the corporation of the said Township of Eastnor in respect thereof and said by-law is hereby amended in accordance with the provisions hereinbefore set out.

Dated and passed in open council at Lion's Head this 21st day of March, 1906.

(Sgd.) W. B. MOSHIER,  
Reeve.

(Seal.)

(Sgd.) J. H. MIERS,  
Clerk.

### SCHEDULE "C."

#### BY-LAW No. 755.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$1,200 to defray the cost now outstanding, and to repay loans and advances in respect of certain work known as the "Fern Creek Drainage Scheme."

Whereas on the eleventh day of October, A.D. 1902, the municipal council of the Township of Eastnor duly passed their By-law No. 588, to provide for certain drainage work therein described and known as the "Fern Creek Drainage Scheme;"

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of said Act with respect to said work being duly complied with;

And whereas at the time of passing the said by-law the said council were of opinion, from the estimates furnished to them and the character of the work, that the same should be paid for by the parties concerned during the then current year, and the said by-law contained a provision to that effect;

And



And whereas as the said work proceeded as amended and extended by said council on the report of their engineer, it was found impracticable to carry out the said original intention, but, instead thereof, assessments have been collected yearly and applied in reduction of the cost of said work;

And whereas the said work has proceeded from time to time since the passing of said by-law, and during such progress the same has been paid for from advances made for such purpose by the bank, and out of the general funds of the municipality, and it has been finally ascertained by the said council that the balance or amount of said cost now outstanding, after deducting all assessments and payments which have been collected and made on account of said work, amounts to the sum of \$1,200;

And whereas it is necessary that the said sum should be paid, and, in order thereto, that the said sum of \$1,200 should be borrowed on the credit of the said municipality, and that debentures should be issued therefor as hereinafter provided;

And whereas in order to provide the annual sum required to pay said debentures as they mature and the interest on the sum so borrowed a special rate will be required as hereinafter mentioned;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said Township of Eastnor is hereby authorized to borrow on the credit of the corporation of said township the sum of twelve hundred dollars, being the funds necessary to pay for the said work known as the "Fern Creek Drainage Scheme," and to repay the loans and advances already made in respect of the same, and now outstanding, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within five years from the date thereof, with interest at the rate of four and a half per cent. per annum, payable annually during the currency of said debentures, and such instalment of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Wiarton, on the 31st day of December in each year, commencing with the 31st day of December, 1906, and such debentures shall have attached to them coupons for the payment of such interest.

2. The said debentures and the interest coupons attached thereto shall be signed by the reeve and treasurer of said corporation, and the corporate seal thereof shall be attached to each of said debentures.

3. The said sum of \$1,200, when so borrowed, shall be used in paying off the loans and advances made on account of said drainage work, and now outstanding, and in completing the same as authorized by any by-law of said corporation previously passed, and the necessary expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be so issued, and for no other purpose.

4. For paying the sum of \$992.08, part of the said sum of \$1,200, being the amount charged against the lands charged in said scheme for benefit and outlet liability apart from roads, and the sum of \$207.92, part of the said sum of \$1,200, being the amount charged against said lands and roads belonging to the said municipality, and for covering the interest thereon for five years at the rate of four and a half per centum per annum the following total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the after mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot, or part of lot, respectively, shall be divided into five equal parts, and one such part shall be assessed, levied and collected as aforesaid in each year for five years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.



Lot	Con.	Acres.	Asse't share prin.	To cover int. 5 years at 4½%.	Total special rate.	An. assessm't 5 years.
30	1 E	50	\$20 25	\$2 73	\$22 98	\$4 59
29	1 E	100	40 45	5 46	45 91	9 18
28	1 E	100	40 45	5 46	45 91	9 18
25	1 E	100	40 45	5 46	45 91	9 18
24	1 E	100	40 45	5 46	45 91	9 18
23	1 E	70	28 35	3 84	32 19	6 44
29	2 E	100	40 45	5 46	45 91	9 18
28	2 E	100	40 45	5 46	45 91	9 18
27	2 E	100	40 45	5 46	45 91	9 18
26	2 E	95	38 45	5 19	43 64	8 73
25	2 E	90	36 21	4 89	41 10	8 22
24	2 E	100	40 45	5 46	45 91	9 18
23	2 E	70	28 35	3 84	32 19	6 44
22	2 E	50	20 25	2 73	22 98	4 59
21	2 E	55	22 19	3 00	25 19	5 04
20	2 E	20	8 10	1 09	9 19	1 84
19	2 E	20	4 00	54	4 54	91
27	3 E	20	8 10	1 09	9 19	1 84
26	3 E	80	32 40	4 37	36 77	7 35
25	3 E	99	40 05	5 41	45 46	9 09
24	3 E	100	40 45	5 46	45 91	9 18
23	3 E	100	40 45	5 46	45 91	9 18
22	3 E	100	40 45	5 46	45 91	9 18
21	3 E	97	39 23	5 30	44 53	8 90
20	3 E	45	18 22	2 46	20 68	4 13
19	3 E	20	4 00	54	4 54	91
SWC28	4 E	5	2 03	27	2 30	46
27	4cE	30	12 07	1 63	13 70	2 74
E½ 26	4 E	48	19 24	2 60	21 84	4 37
W½ 26	4 E	48	19 24	2 60	21 84	4 37
25	4 E	90	36 21	4 89	41 10	8 22
24	4 E	75	30 36	4 10	34 46	6 93
23	4 E	85	34 42	4 65	39 07	7 81
22	4 E	25	10 12	1 37	11 49	2 30
21	4 E	10	4 02	54	4 56	91
Pt. 27	5 E	20	4 00	54	4 54	91
26	5 E	10	4 02	54	4 56	91
25	5 E	20	8 10	1 09	9 19	1 84
Pt. 24	5 E	45	12 15	1 63	13 78	2 75
W. pt. 23	5 E	15	3 00	40	3 40	68
Tp. Eastnor rds.		514	207 92	28 07	235 99	47 20

3,021 \$1,200 00 \$162 00 \$1,362 00 \$272 40

5. For paying the said sum of \$207.92, the amount assessed against the roads of the said municipality, and for covering the interest thereon for five years at the rate of four and a half per cent. per annum a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for five years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

6. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of said By-law No. 588 of the corporation of the said Township of Eastnor in respect thereof, and said by-law is hereby amended in accordance with the provisions hereinbefore set out, and in pursuance of *The Ontario Drainage Act*.

Dated and passed in open council at Lion's Head this 21st day of March, A.D. 1906.

(Seal.)

(Sgd.) W. B. MOSHER.

Reeve.

(Sgd.) J. H. MIERS.

Clerk.

SCHEDULE

## SCHEDULE "D."

## BY-LAW No. 756.

A By-law to authorize the Corporation of the Township of Eastnor to issue debentures for the sum of \$2,800 to defray the cost now outstanding, to repay loans and advances in respect of certain work known as the "Judge's Creek Drainage Scheme," and to complete the same.

Whereas on the 16th day of March, A.D. 1901, the municipal council of the Township of Eastnor duly passed their By-law No. 551, to provide for certain drainage work therein described and known as the 'Judge's Creek Drainage Scheme,' and to issue debentures therefor;

And whereas the said by-law was passed under the provisions of *The Ontario Drainage Act*, the requirements of which Act, with regard to said work, were duly complied with;

And whereas the said work was proceeded with and certain debentures have been issued and sold to pay for the work so constructed;

And whereas on the report of their engineer the said council deferred the construction of a branch drain included in said scheme from lot 10 to lot 5 in the 3rd concession of the said township, and the same has not yet been constructed;

And whereas the said By-law No. 551 did not provide sufficient funds to complete the said drainage work as contemplated by said scheme, and the proceeds of said debentures so sold and issued were not sufficient to pay for the same, and the said work has proceeded and, over and above the proceeds of said debentures (which were applied in payment of said work, and not otherwise), the additional work has been paid for out of the moneys advanced for the purpose by the bank, and out of the general funds of the municipality, from time to time;

And whereas it has been finally ascertained by said council that in order to complete the said branch drain so deferred, and which it is the intention of said council to now construct and complete, and to repay such loans and advances and interest thereon, and the expenses connected with the preparation of this by-law, and the confirmation thereof, and the debentures to be issued hereunder, it will require the sum of \$2,800 to be raised and borrowed;

And whereas in order to obtain the said sum it will be necessary to borrow the same upon the credit of the said municipality, and to issue the debentures of the said corporation therefor as hereinafter provided;

And whereas in order to provide the annual sum required to pay said debentures as they mature, and the interest on the sum so borrowed a special rate will be required as hereinafter mentioned;

Therefore the municipal council of the corporation of the Township of Eastnor enacts as follows:

1. The reeve of the said Township of Eastnor is hereby authorized to borrow on the credit of the corporation of said township the sum of two thousand eight hundred dollars, being the funds necessary to construct and complete the said branch drain through lots 10 to 5 in the 3rd concession of said township as laid down in the original plan and specifications for said scheme in said By-law No. 551, referred to and approved by said council, and to repay all outstanding loans and advances made in respect of said work, and the costs and expenses incidental hereto, and may issue debentures of the said corporation to that amount in sums of not less than \$50 each, and payable within fifteen years from the date thereof, at the rate of four and a half per cent. per annum, payable annually during the currency of said debentures, and such instalments of the debt and the interest thereon shall be payable at the Union Bank of Canada at the Town of Warton on the 31st day of December in each year, commencing with the 31st day of December, 1906, and

such



Lot	Con.	Acres.	Value of benefit.	To cover int. 15 yrs. at 4½%.	Total special rate.	An. rate for 15 yrs.
20 .....	"	50	13 64	4 91	18 55	1 24
1 .....	2 E.B.R.	20	5 46	1 96	7 42	50
2 .....	"	100	27 28	9 83	37 11	2 48
3 .....	"	100	27 28	9 83	37 11	2 48
4 .....	"	100	27 28	9 83	37 11	2 48
5 .....	"	100	27 28	9 83	37 11	2 47
6 .....	"	100	27 28	9 83	37 11	2 47
7 .....	"	100	27 28	9 83	37 11	2 47
8 .....	"	100	27 28	9 83	37 11	2 47
9 .....	"	100	27 28	9 83	37 11	2 47
10 .....	"	100	27 28	9 83	37 11	2 47
11 .....	"	100	27 28	9 83	37 11	2 47
12 .....	"	100	27 28	9 83	37 11	2 47
13 .....	"	100	27 28	9 83	37 11	2 47
14 .....	"	100	27 28	9 83	37 11	2 47
15 .....	"	100	27 28	9 83	37 11	2 47
16 .....	"	100	27 28	9 83	37 11	2 47
17 .....	"	100	27 28	9 83	37 11	2 47
18 .....	"	90	24 55	8 83	33 38	2 22
19 .....	"	60	16 37	5 89	22 26	1 48
20 .....	"	25	6 82	2 45	9 27	62
1 .....	3 E.B.R.	60	16 37	5 89	22 26	1 48
2 .....	"	90	24 55	8 83	33 38	2 22
3 .....	"	100	27 28	9 83	37 11	2 47
4 .....	"	100	27 28	9 83	37 11	2 47
5 .....	"	100	27 28	9 83	37 11	2 47
6 .....	"	100	27 28	9 83	37 11	2 47
7 .....	"	100	27 28	9 83	37 11	2 47
8 .....	"	80	21 84	7 86	29 70	1 98
9 .....	"	80	21 84	7 86	29 70	1 98
10 .....	"	100	27 28	9 83	37 11	2 47
11 .....	"	100	27 28	9 85	37 11	2 47
12 .....	"	100	27 28	9 83	37 11	2 47
13 .....	"	100	27 28	9 83	37 11	2 47
14 .....	"	100	27 28	9 83	37 11	2 47
15 .....	"	100	27 28	9 83	37 11	2 47
16 .....	"	100	27 28	9 83	37 11	2 47
17 .....	"	80	21 84	7 86	29 70	1 98
18 .....	"	20	5 46	1 96	7 42	50
1 .....	4 E.B.R.	75	20 46	7 36	27 82	1 85
2 .....	"	70	19 10	6 87	25 97	1 73
3 .....	"	90	24 55	8 83	33 38	2 22
4 .....	"	90	24 55	8 83	33 38	2 23
5 .....	"	50	13 64	4 91	18 55	1 24
6 .....	"	70	19 10	6 87	25 97	1 73
7 .....	"	95	25 92	9 33	35 25	2 36
8 .....	"	85	23 20	8 35	31 55	2 10
9 .....	"	85	23 20	8 35	31 55	2 10
10 .....	"	100	27 28	9 83	37 11	2 47
11 .....	"	85	23 20	8 35	31 55	2 10
12 .....	"	85	23 20	8 35	31 55	2 10
13 .....	"	85	23 20	8 35	31 55	2 11
14 .....	"	85	23 20	8 35	31 55	2 10
15 .....	"	85	23 20	8 35	31 55	2 10
16 .....	"	85	23 20	8 35	31 55	2 11
17 .....	"	80	21 84	7 86	29 70	1 98
18 .....	"	75	20 46	7 36	27 82	1 85
19 .....	"	50	13 64	4 91	18 55	1 24
20 .....	"	40	10 91	3 93	14 84	99
21 .....	"	15	4 09	1 47	5 56	37
1 .....	5 E.B.R.	20	5 46	1 96	7 42	50
2 .....	"	25	6 83	2 46	9 29	62
7 .....	"	35	9 55	3 43	12 98	87



Lot	Con.	Acres.	Value of benefit	To cover int. 15 yrs. at 4½%	Total special rate.	An. rate for 15 yrs.
8 .....	5 E.B.R.	35	9 55	3 43	12 98	87
9 .....	"	60	16 37	5 89	22 26	1 48
10 .....	"	5	1 36	49	1 85	12
11 .....	"	30	8 18	2 94	11 12	74
12 .....	"	50	13 64	4 91	18 55	1 24
13 .....	"	100	27 28	9 83	37 11	2 48
14 .....	"	100	27 28	9 83	37 11	2 48
15 .....	"	85	23 20	8 35	31 55	2 10
16 .....	"	60	16 37	5 89	22 26	1 48
17 .....	"	100	27 28	9 82	37 10	2 48
18 .....	"	60	16 37	5 89	22 26	1 48
19 .....	"	60	16 37	5 89	22 26	1 49
20 .....	"	40	10 91	3 93	14 84	1 00
21 .....	"	20	5 46	1 96	7 42	50
13 .....	6 E.B.R.	30	8 18	2 94	11 12	74
14 .....	"	35	9 55	3 43	12 98	87
15 .....	"	25	6 83	2 46	9 29	62
16 .....	"	35	9 55	3 43	12 98	86
17 .....	"	50	13 64	4 91	18 55	1 24
18 .....	"	90	24 55	8 83	33 38	2 22
19 .....	"	40	10 91	3 93	14 84	1 00
Tp. Eastnor roads .....		560 00	201 60	761 60	50 78	
<hr/>						
			\$2,800 00	\$1,008 00	\$3,808 00	\$253 87

5. For paying the said sum of \$560, the amount assessed against the roads of the said municipality, and for covering the interest thereon for fifteen years at the rate of four and a half per cent. per annum, a special rate on the dollar sufficient to produce the required yearly amount thereof shall be raised over and above all other rates to be levied and collected upon and from the whole rateable property in the said Township of Eastnor in each year for fifteen years after the final passing of this by-law, during which the said debentures have to run, and commencing with the year 1906.

6. The assessments and levies in this by-law directed to be made shall be taken in substitution of the provisions of a By-law No. 551 of the corporation of the said Township of Eastnor in respect of the excess required over and above the amount of debentures already issued thereunder, and said by-law is hereby amended in accordance with the provisions hereinbefore set out, and in pursuance of *The Ontario Drainage Act*.

Dated and passed in open council at Lion's Head this 21st day of March, A.D. 1906

(Sgd.) W. B. MOSHIER,  
Reeve.

(Seal.)

(Sgd.) J. H. MIERS,  
Clerk.

## CHAPTER 70.

An Act respecting the Town of East Toronto.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS the Municipal Corporation of the Town of East Toronto has by petition represented that the council of the said corporation on the 8th day of August, 1904, passed a resolution authorizing the clerk of the said municipality to give the necessary notices of their intention to construct and lay cement sidewalks on the north side of Danforth avenue in said town, and the said clerk, in pursuance of said resolution, did on or about the 27th day of August, 1904, give the notices required by law save and except that the letters to non-resident owners were not registered; and whereas the said sidewalk has been completed and is a permanent benefit to the lands abutting on the said avenue between Main street and the eastern limits of the town, but three owners, namely, The Scottish American Investment Company, Limited, whose name does not appear upon the assessment roll of the said town, and J. B. Craigie and James Maclellan have claimed that they received no notice of the intention to construct said sidewalk and object to be assessed for the same; and whereas it is expedient to ratify and confirm all tax sales held by the town as hereinafter provided; and whereas the said corporation has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Proceedings for construction of sidewalk confirmed.

1. The proceedings authorizing the construction of the sidewalk hereinbefore referred to are ratified and confirmed and are declared to have been sufficient, and all owners of lands benefited by said sidewalk as found by the Court of Revision of said municipality and said lands are

are hereby declared to be liable for payment of their proper proportions of the cost of such construction and to be assessed and taxed for the same in all respects as if all said proceedings had been regular in every respect.

2. All sales of lands within the said municipality up to and including the one held in the year 1904 and purporting to be made for arrears of taxes in respect of the lands so sold are hereby validated and confirmed notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* in regard to the manner in which any assessment roll or collector's roll of the said municipality has been prepared or in regard to the certifying or signing of the same or the making of any affidavit or oath required in connection therewith or in regard to the time for the return of any collector's roll of the said municipality or in regard to the furnishing, authenticating, or depositing of any list of land in arrear for taxes within the said municipality or in regard to the mailing of notice to any person in respect to whose land any taxes appear at any time to be in arrear or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods and notwithstanding any other failure or omission on the part of any official of the said municipality to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained. Provided, however, that any land so sold for taxes which is still held by the municipality may be redeemed by the owner thereof or any mortgagee thereon within three months from the passing of this Act by such owner or mortgagee paying to the municipality the full amount which would have been necessary to redeem the same within one year from the day of the sale as provided in *The Assessment Act*, including interest, the costs and charges of the sale and also all taxes which have accrued subsequent to the sale and a sum for any year or years in which the same may not have been rated for taxes equal to what would have been the taxes thereon at the current rate for such year or years if the land had been assessed to a private person and also interest upon several sums to the time of such redemption. Provided also that nothing herein contained shall be taken or held or be deemed to validate or confirm any such sale unless taxes were at the time of such sale actually in arrear for such period of time as required by the statute in that behalf.

Sales of lands  
for arrears of  
taxes con-  
firmed.

Proviso.

Proviso.

## CHAPTER 71.

## An Act to incorporate the Village of Finch.

*Assented to 27th April, 1906.*

## Preamble.

WHEREAS the ratepayers residing in the unincorporated Village of Finch, in the Township of Finch, in the County of Stormont, have by petition set forth, that the unincorporated Village of Finch is situate on the north halves of lots thirteen and fourteen and that part of the west half of lot number fifteen lying north of the Payne River in the second concession of the said Township of Finch, and the south half of the south half, the east half of the north half of the south half, and the east half of the north half of lot number thirteen in the third concession, part of lot number fourteen in the third concession lying south and west of the Payne River and the south twenty acres of the west half of lot number fifteen in the third concession of the said Township of Finch, amounting in all to about 500 acres; that the said Village of Finch contains a population of 525 souls according to the last enumeration of the assessor; that the petitioners are desirous that the inhabitants of the said Village shall be incorporated under the name of "The Corporation of the Village of Finch," with the powers vested in villages incorporated under the provisions of *The Consolidated Municipal Act, 1903*; that the said Village is situated at the junction of the Canadian Pacific Railway and the Ottawa and New York Railway, and it is necessary and in the interests of the inhabitants of the said Village and of the travelling public that works and improvements should be constructed in the said Village which the inhabitants are not able to procure from the Township Council; that owing to the situation of the said Village of Finch, the police village system is not adapted to the requirements of the community, and that it would greatly conduce to the benefit of the said Village of Finch and the travelling public if the said Village were incorporated; and have prayed that an Act may be passed so incorporating the said Village; and whereas no opposition has been offered to the granting



granting of the prayer of the said petition and it appears that the petitioners include almost the whole number of ratepayers in the said Village; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the passing of this Act the inhabitants of the Village of Finch comprised within the boundaries of the second section of this Act mentioned, shall be and they are hereby constituted a corporation or body politic, separate and apart from the Township of Finch, in which the said Village is now situated under the name of "The Corporation of the Village of Finch," and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

2. The said Village of Finch shall comprise and consist of the lands, within the following boundaries, that is to say: The north halves of lots numbers thirteen and fourteen and that part of the west half of lot number fifteen lying north of the Payne River in the second concession of the said Township of Finch, and the south half of the south half, the east half of the north half of the south half and the east half of the north half of lot number thirteen in the third concession, that part of lot number fourteen in the third concession lying south and west of the Payne River and the south twenty acres of the west half of lot number fifteen in the third concession of the said Township of Finch, amounting in all to about 500 acres, inclusive of all the allowances for roads within or between the said lands.

3. On the 14th day of May, 1906, it shall be lawful for James R. Simpson, Clerk of the Township of Finch, of the County of Stormont, who is hereby appointed the Returning Officer, to hold the nomination for the first election of Reeve and Councillors at some prominent place in the said Village, at the hour of noon, and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a Chairman to officiate, who shall have all the powers of a Returning Officer and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the Returning Officer shall be those prescribed by law with respect to incorporated villages.

Qualification at first election.

4. At the said election the qualification of the electors and of the Reeve and Councillors for the said Village shall be the same as that required in townships, and at all subsequent elections the qualification of electors and of the Reeve, Councillors and other officers shall be the same as that required in incorporated villages.

Township Clerk to furnish assessment roll, etc.

5. The Township Clerk of the Township of Finch shall furnish to the Returning Officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment roll of the said Township as may be required, to ascertain the persons entitled to vote at such first election, or the collector's roll or any document, writing, or statement that may be required for that purpose.

First meeting of council.

6. The Reeve and Councillors so to be elected shall hold their first meeting at some prominent place in the said Village of Finch at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Application of provisions of 3 Edw. VII., c. 19.

7. Save as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1903*, and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and the other provisions of the said Acts applicable to incorporated villages, shall apply to the Village of Finch in the same manner as they would have been applicable had the said Village of Finch been incorporated under the provisions of said Acts.

Village separated from township.

8. From and after the passing of this Act the said Village of Finch shall cease to form a part of the Township of Finch and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses of incorporation.

9. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the clerk of the said Village or other officers of the said Village shall be borne by the said Village and be paid by it to any party that may be entitled thereto.

Representation.

10. The said Village of Finch shall form a part of the electoral district of the County of Stormont.

## CHAPTER 72.

An Act to consolidate the Floating Debt of the  
Town of Fort Frances.*Assented to 27th April, 1906.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.

Fort Frances has by petition represented that the said Corporation has accumulated a floating debt over and above the uncollected taxes applicable to the payment thereof, of \$14,000, of which the sum of \$6,400 has been incurred for completing and furnishing its Town Hall, the sum of \$1,640 in respect of an award against the Town by reason of the widening of Church street in the said town, the sum of \$960 for law costs and expenses by reason of efforts of the Corporation to prevent and amend certain legislation in respect of the Fort Frances Water Power, and the sum of \$5,000 for permanent improvements in grading streets and building sidewalks and a dock in the Rainy River; and the said indebtedness is due and owing to various and sundry creditors who are pressing for payment; and that the said municipality is unable to pay the said amount out of the current rates; and whereas the Municipal Council of the said town has petitioned, praying that an Act be passed to consolidate such indebtedness, and to authorize the Corporation to issue debentures in the sum of \$14,000 for the purpose of paying off such indebtedness, and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said floating debt of the Corporation of the Town of Fort Frances is hereby consolidated at the said sum of \$14,000, and it shall and may be lawful for the said Corporation to raise by way of loan, on the credit of the debentures to be issued under the authority of this Act, from any person or persons or body corporate, the sum of \$14,000. Floating debt consolidated.

2.

Issue of  
debentures for  
\$14,000  
authorized.

2. It shall be lawful for the said Corporation to pass a by-law providing for the issue of debentures under the Corporate Seal, signed by the Mayor and Treasurer for the time being, in sums of not less than \$100 each, and not exceeding the aggregate \$14,000, payable at such places as the Corporation may deem expedient.

Term of  
debentures.

3. A portion of such debentures shall be made payable in each year, for a period not exceeding twenty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which this debt is to be discharged; such interest may be made payable by coupons to be attached to the said debentures, if the by-law so directs; and the said interest shall be payable at such rate not exceeding five per centum per annum as the said Corporation may direct, and shall be payable yearly.

Hypothecation  
of debentures.

4. The said Corporation may for the purposes herein mentioned raise money by way of loan on the said debentures, or sell and dispose of the same as may be deemed expedient.

Application of  
proceeds of  
debentures.

5. The said debentures and all moneys arising therefrom, shall be applied by the said Corporation to the redemption of the said floating debt of \$14,000, and in no other manner and for no other purpose whatsoever.

Assent of  
electors not  
required.

6. It shall not be necessary to obtain the assent of the electors of the Town of Fort Frances to the passing of any by-law or by-laws which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act.

3 Edw. VII.,  
c. 19.

Irregularity in  
form not to  
invalidate.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

By-law not to  
be repealed  
until debt  
satisfied.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such By-law and interest thereon is fully paid and satisfied.



9. The said Corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate"; and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Fort Frances from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

11. It shall be the duty of the Treasurer for the time being, of the said Town, to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council to procure such Treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

12. The by-law or by-laws authorizing the said debentures from time to time, may be in the form of schedule "A" to this Act with such variations as may be required.

13. This Act may be cited as *The Town of Fort Frances Debenture Act 1906.*

#### SCHEDULE "A."

##### BY-LAW No.

To authorize the issue of debentures under the authority of *The Town of Fort Frances Debenture Act, 1906*, being Chapter of the Statutes of Ontario, 1906.

Whereas the Municipality of the Town of Fort Frances has an outstanding floating indebtedness amounting over and above the uncollected taxes applicable to the payment of the same, to the sum of fourteen thousand dollars (\$14,000), accrued during the year 1905, and owing to sundry creditors who are pressing for payment.

And whereas the said municipality is altogether unable at the present time to pay the said debt or any part thereof, and to pay the same out of the annual rates would be unduly oppressive to the ratepayers of the said municipality.

And whereas it is desirable to raise the said sum of fourteen thousand dollars (\$14,000) by the issue of debentures of the said municipality, and to spread repayment thereof over a period of twenty years.

And whereas in order to raise the said sum of fourteen thousand dollars' (\$14,000) to pay the said indebtedness, it will be necessary to issue debentures of the said municipality for the sum of fourteen thousand dollars (\$14,000), payable in annual instalments extending over twenty years, with interest thereon at the rate of five per centum per annum, payable yearly according to the coupons attached to the said debentures.

And whereas the said Act authorizes the issue of debentures in conformity herewith.

And whereas the amount of the whole rateable property of the Town of Fort Frances, according to the last revised assessment roll for the said town, being for the year 190 , was \$

Therefore the Municipal Corporation of the Town of Fort Frances enacts as follows :—

1. Debentures under the said Act for the purposes therein mentioned, to the extent of fourteen thousand dollars (\$14,000), repayable in twenty annual instalments of sufficient amount each year to make with the interest charged as nearly as possible an equal annual repayment of principal and interest combined, are hereby authorized and directed to be issued.

2. Such debentures shall bear interest at the rate of five per centum per annum, payable yearly on the            day of            in each year. (If interest is to be paid by coupons, add upon presentation as the same shall severally become due of the proper coupons to be annexed to said debentures.)

Read a first time in open council this 5th day of March, 1906.

Read a second time in open council the 5th March 1906.

Read a third time and passed in open council this        day of 1906.

## CHAPTER 73.

An Act respecting the Town of Fort William, 1906.

*Assented to 14th May, 1906.*

**W**HEREAS the Corporation of the Town of Fort William Preamble.  
has by petition represented that the council of the said town did on the first day of January, 1906, submit by-law No. 396 of the said town to the duly qualified ratepayers thereof, after duly publishing the said by-law in the issues of the Fort William "Times-Journal," a newspaper published daily in the said town; and whereas out of 830 votes entitled to be cast in respect thereof, 584 were cast in favor thereof and 73 against the same; and whereas the said corporation has by petition further represented that the council of the said town did, on the said first day of January, 1906, submit by-laws numbered 397 and 398 of the said town, to the duly qualified ratepayers in that behalf, together with estimates of the proposed expenditure to be made under such by-laws, after publishing the said by-laws and estimates in the said Fort William "Times-Journal"; and whereas out of 830 votes entitled to be cast in respect of each of such by-laws, the following was the result, namely: By-law No. 397—595 votes in favor of and 90 against; by-law No. 398—590 votes in favor of and 86 against; and whereas doubts have arisen as to the validity of the three said by-laws; and whereas the three said by-laws were finally passed by the council of the said town on the tenth day of January, 1906, and duly registered in the Registry Office for the District of Thunder Bay; and whereas the value of the rateable property of the said town, according to the last revised assessment roll, is \$3,107,927, and the debenture debt of the said town, exclusive of local improvement debts, is \$509,858.09; and whereas no objection has been made thereto on the part of any ratepayer; and whereas no application has been made to quash or set aside any of the said by-laws numbered 396, 397 and 398, nor is any action pending wherein the validity of any of such by-laws has been, or can be, called in question; and whereas the said corporation has by petition prayed for special legislation in respect of the above and other matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 396, 397 and 398 of Town of Fort William confirmed.

1. The following by-laws of the said town, namely:—By-law No. 396, intituled "A by-law to further improve and extend the Water Works system of the said town and to provide for the raising of \$20,000, by way of debentures, necessary therefor"; By-law No. 397, intituled "A by-law to further improve and extend the Electric Light System of the said town and to provide for the raising of \$14,000, by way of debentures, necessary therefor"; By-law No. 398, intituled "A by-law to further improve and extend the Telephone System of the said town, and to provide for the raising of \$12,000, by way of debentures, necessary therefor," as set out in Schedules "A," "B" and "C" hereto, are declared to be and to have always been, since the final passing thereof, valid, legal and existing by-laws of the said town, and the debentures now issued, or which may or shall hereafter be issued thereunder (when so issued) shall be legal and binding upon the said corporation and the ratepayers thereof.

Certain additional levies to be made in each year for sinking fund.

2. The Corporation of the Town of Fort William are hereby required in each year during the currency of the debentures authorized by the said respective by-laws to raise and levy on all the rateable property in the said municipality in addition to the amounts required by the said by-laws the respective sums following:—

In the case of By-law No. 396 the sum of \$34.11.

In the case of By-law No. 397 the sum of \$23.88.

In the case of By-law No. 398 the sum of \$20.46.

and place the said amounts to the credit of the sinking fund required in respect of the said by-laws.

#### "SCHEDULE "A."

Public notice is hereby given that hereunder are the estimates of the proposed expenditure of \$20,000 for the improving and extending the waterworks system of the Town of Fort William, sought to be provided by the said town, under the by-law published herewith, namely:

Balance unprovided from 1905 ..... \$2,304 90

Proposed extension 1906 as follows:

Vickers street, 2500 8 inch, 3 Hy. ....	\$2,560 00
Isabella street, 400 4 inch, 2 Hy. ....	290 00
Catharine street, 600 feet, 4 in., 2 Hy. ....	525 00
Walsh street, 300 feet, 6 in., 1 Hy. ....	325 00
Ridgeway street, 400 feet, 4 in., 1 Hy. ....	2,756 00
Arthur street, 250 feet, 4 in., 1 Hy. ....	125 00
Harold street, 600 feet, 4 in., 1 Hy. ....	500 00
Norah street, 1800 feet, 6 in., 4 Hy. ....	1,150 00
Dease street, 350 feet, 6 in., 1 Hy. ....	335 00
Wiley street, 650 feet, 6 in., 1 Hy. ....	500 00
Robertson street, 1700 feet, 4 in., 3 Hy. ...	660 00



Francis and Syndicate, 1,000 ft., 4 in., 2 Hy.	675 00
Gore street, 600 feet, 6 in., 2 Hy. ....	582 00
Victor street, 500 feet, 6 in., 1 Hy. . ....	461 00
Arthur street, 650 feet, 6 in., 1 Hy. ....	500 00
McIntosh and McLaughlin, 600 feet, 4 in. ...	525 00
	<hr/>
300 service connections .....	\$12,469 00
Labor, engineering and contingencies .....	3,300 00
	<hr/>
Total .....	\$20,000 00

## TOWN OF FORT WILLIAM. BY-LAW No. 396.

A By-law to further improve and extend the Waterworks System of the said Town, and to provide for the raising of \$20,000 by way of debentures necessary therefor.

Whereas the commissioners and council of the said Town deem it expedient to further improve and extend the waterworks system of the said town as set out in the above statement;

And whereas the council of the said town deem it expedient that the further sum of \$20,000 should be provided therefor;

And whereas the said sum of \$20,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll, is \$3,107,927;

And whereas the existing debenture debt of the said town, exclusive of local improvement debentures, amounts to \$509,858.09, made up as follows:

Waterworks debenture debt .....	\$ 93,500 00
Electric light debenture debt .....	100,000 00
Telephone debenture debt .....	35,000 00
General debenture debt .....	281,358 09

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$91,104.78 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of said corporation to the amount of \$20,000, bearing interest at four and one-half per cent. per annum;

And whereas it will require the sum of \$900.00 to be raised annually for a period of twenty years, the currency of the debenture to be issued under and by virtue of this by-law to pay the interest of the said debt and the sum of \$637.52 to be raised annually during the said period for the payment of the said principal debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$1,537.52 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$1,537.52 to be raised annually for the period of twenty years by a special rate on the whole rateable property in the said town for the payment of the said debt and interest as aforesaid;

Therefore the corporation of the Town of Fort William enacts as follows:

1. It shall and may be lawful for the mayor of the said corporation and he is hereby empowered to borrow the said sum of \$20,000 on the credit of the said corporation for the purposes aforesaid and to issue debentures of the said corporation to the amount of \$20,000 in sums of not less than \$100 each, payable within twenty years from the day when this by-law shall come into force and to bear interest at four and one-half per centum per annum, payable half-yearly on the first day of the month of September and March in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the 1st day of March, 1906, shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

3. Within the period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said Town of Fort William, in addition to all other rates, levies and assessments, the said sum of \$900 to pay the interest on the said debentures, and also the further sum of \$637.52 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$1,537.52 to be raised annually as aforesaid.

4. The said debenture shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the town treasurer, Fort William, Ont.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable, except by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to like effect.

6. That this by-law shall come into force on the first day of March, 1906.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the first day of January, 1906, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day as follows:

In Ward One—At. J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward Two (Subdivision No. 1)—In sample room at the Avenue hotel, McVicar street; deputy returning officer, J. R. Lumby.

In Ward Two (Subdivision No. 2)—At Town Hall; deputy returning officer, John McNaughton.

In Ward Three—In George Coates' office; deputy returning officer, Wm. Palling.

In Ward Four—At Fire Hall; deputy returning officer, G. B. Smith.

8. That on Saturday, the 30th day of December, 1905, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the 2nd day of January, 1906, at the hour of ten o'clock in the forenoon, at the offices of the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the Town of Fort William, as witnessed by the hand of its mayor and clerk, this 10th day of January, 1906.

Signed, E. S. RUTLEDGE,  
Mayor.

Signed, A. McNAUGHTON,  
Clerk.

(Seal.)

## SCHEDULE "B."

Public notice is hereby given that hereunder are the estimates of the proposed expenditure of \$14,000 for the improvement and extension of the electric light system of the Town of Fort William, sought to be provided by the said town, under the by-law published herewith, namely:

Poles and fittings .....	\$1,150 00
Wire .....	3,825 00
Transformers .....	600 00
Arc regulator and switchboard .....	2,000 00
One thousand h. p. watt meter .....	500 00
Substation and grounds .....	3,500 00
Horse and light wagon .....	300 00
Labor and incidentals .....	2,125 00

Total .....\$14,000 00

## TOWN OF FORT WILLIAM BY-LAW No. 397.

A By-law to further improve and extend the Electric Light System of the said Town, and to provide for the raising of \$14,000 by way of debentures necessary therefor.

Whereas the commissioners and council of the said town deem it expedient to further improve and extend the electric light system of the said town as set out in the above statement;

And whereas the council of the said town deem it expedient that the further sum of \$14,000 should be provided therefor;

And whereas the said sum of \$14,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll, is \$3,107,927;

And whereas the existing debenture debt of the said town, exclusive of local improvement debentures, amounts to \$509,858.09, made up as follows:

Waterworks debenture debt .....	\$ 93,500 00
Electric light debenture debt .....	100,000 00
Telephone debenture debt .....	35,000 00
General debenture debt .....	281,358 09

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$91,104.78 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said corporation to the amount of \$14,000 bearing interest at four and one-half per cent. per annum.

And whereas it will require the sum of \$630 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt and the sum of \$446.26 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$1,076.26 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$1,076 26 to be raised annually for the period of twenty years by a special rate on the whole rateable property in the said town for the payment of the said debt and interest as aforesaid;

Therefore the corporation of the Town of Fort William enacts as follows:

1. It shall and may be lawful for the mayor of the said corporation and he is hereby empowered to borrow the said sum of \$14,000 on the credit of the said corporation for the purposes aforesaid and to issue debentures of the said corporation to the amount of \$14,000 in sums of not less than \$100 each payable within



within twenty years from the day of the coming into force of this by-law and to bear interest at four and one-half per centum per annum, payable half-yearly on the first day of the months of September and March in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the first day of March, 1906, shall be signed by the mayor and treasurer thereof and sealed with the corporate seal.

3. Within the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said Town of Fort William, in addition to all other rates, levies and assessments, the said sum of \$630 to pay the interest on the said debentures and also the said further sum of \$446.26 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$1,076.26 to be raised annually as aforesaid.

4. The said debenture shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the town treasurer, Fort William, Ont.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable, except by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to like effect.

6. That this by-law shall come into force on the first day of March, 1906.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the first day of January, 1906, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day as follows:

In Ward One—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward Two (Subdivision No. 1)—In sample room at the Avenue hotel, McVicar street; deputy returning officer, J. R. Lumby.

In Ward Two (Subdivision No. 2)—At Town Hall; deputy returning officer, John McNaughton.

In Ward Three—In George Coates' office; deputy returning officer, Wm. Palling.

In Ward Four—At Fire Hall; deputy returning officer, G. B. Smith.

8. That on Saturday, the 30th day of December, 1905, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the 2nd day of January, 1906, at the hour of ten o'clock in the forenoon, at the offices of the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the Town of Fort William, as witnessed by the hand of its mayor and clerk, this 10th day of January 1906.

Signed, E. S. RUTLEDGE,  
Mayor.

Signed, A. McNAUGHTON,  
Clerk.

(Seal.)

SCHEDULE



## SCHEDULE "C."

Public notice is hereby given that hereunder are the estimates of the proposed expenditure of \$12,000 for the improvement and extension of the telephone system of the Town of Fort William, sought to be provided by the said town, under the by-law published herewith, namely:

Poles and fittings .....	\$1,185 00
Wire and cable .....	3,500 00
Switchboard extension .....	1,500 00
Branch exchange for Westfort .....	1,500 00
Telephones and repair parts .....	2,500 00
Labor and incidentals .....	1,815 00
Total .....	\$12,000 00

## TOWN OF FORT WILLIAM BY-LAW No. 398.

A By-law to further improve and extend the Telephone System of the said Town, and to provide for the raising of \$12,000 by way of debentures necessary therefor.

Whereas the commissioners and council of the said town deem it expedient to further improve and extend the telephone system of of the said town as set out in the above statement;

And whereas the council of the said town deem it expedient that the further sum of \$12,000 should be provided therefor;

And whereas the said sum of \$12,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said Town of Fort William, according to the last revised assessment roll, is \$3,107,927;

And whereas the existing debenture debt of the said town, exclusive of local improvement debentures, amounts to \$509,858.09, made up as follows:

Waterworks debenture debt .....	\$ 93,500 00
Electric light debenture debt .....	100,000 00
Telephone debenture debt .....	35,000 00
General debenture debt .....	281,358 09

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$91,104.78 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said corporation to the amount of \$12,000 bearing interest at four and one-half per cent. per annum;

And whereas it will require the sum of \$540 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt and the sum of \$382.51 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$922.51 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$922.51 to be raised annually for the period of twenty years by a special rate on the whole rateable property in the said town for the payment of the said debt and interest as aforesaid;

Therefore the corporation of the Town of Fort William enacts as follows:

1. It shall and may be lawful for the mayor of the said corporation and he is hereby empowered to borrow the said sum of \$12,000 on the credit of the said corporation for the purposes aforesaid and to issue debentures of the said corporation to the amount of \$12,000 in sums of not less than \$100 each payable within twenty years from the day of the coming into force of this

by-law

by-law and to bear interest at four and one-half per centum per annum, payable half-yearly on the first day of the months of September and March in each year respectively during the currency of the said debentures.

2. The said debentures shall bear date as of the first day of March, 1906, shall be signed by the mayor and theasurer thereof and sealed with the corporate seal.

3. Within the said period of twenty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said Town of Fort William, in addition to all other rates, levies and assessments, the said sum of \$540 to pay the interest on the said debentures and also the said further sum of \$382.50 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$922.51 to be raised annually as aforesaid.

4. The said debenture shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the town treasurer, Fort William, Ont.

5. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the treasurer of the municipality, be transferable, except by the treasurer or his deputy in the debenture registry of the said corporation in the said Town of Fort William," or to like effect.

6. That this by-law shall come into force on the first day of March, 1906.

7. That the votes of the electors of the said municipality entitled to vote on this by-law shall be taken on Monday, the first day of January, 1906, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day as follows:

In Ward One—At J. W. Robertson's house; deputy returning officer, J. W. Robertson.

In Ward Two (Subdivision No. 1)—In sample room at the Avenue hotel, McVicar street; deputy returning officer, J. R. Lumby.

In Ward Two (Subdivision No. 2)—At Town Hall; deputy returning officer, John McNaughton.

In Ward Three—In George Coates' office; deputy returning officer, Wm. Palling.

In Ward Four—At Fire Hall; deputy returning officer, G. B. Smith.

8. That on Saturday, the 30th day of December, 1905, at the hour of ten o'clock in the forenoon, the mayor of Fort William will attend at the office of the town clerk for the purpose of appointing in writing signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law, and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. That on Tuesday, the 2nd day of January, 1906, at the hour of ten o'clock in the forenoon, at the offices of the Town of Fort William, the clerk of the said town will proceed to sum up the number of votes given for and against this by-law.

Given under the corporate seal of the Town of Fort William, as witnessed by the hand of its mayor and clerk, this 10th day of January 1906.

Signed, E. S. RUTLEDGE, Mayor.

Signed, A. McNAUGHTON, Clerk.

(Seal.)

CHAPTER

## CHAPTER 74.

## An Act respecting the Town of Galt, 1906.

*Assented to 27th April, 1906.*

WHEREAS the Municipal Corporation of the Town of Galt has by petition represented that on the eighth day of July, 1901, the said corporation passed by-law numbered 689, "Respecting Sewers and Frontage Assessment for Sewers, and to regulate the mode of payment for Sewers and other matters in connection with Sewers"; and on the twenty-second day of March, 1906, passed By-law No. 825 amending said By-law No. 689; that the said corporation, on the twenty-third day of November, 1901, passed by-law numbered 746, "To provide for borrowing money by the issue of Debentures, secured by local special rates, for the construction of sewers on certain streets in the Town of Galt, for and during the years 1901, 1902 and 1903;" that the said corporation, on the sixth day of June, 1904, passed by-law numbered 763, "To provide for the issue of a debenture or debentures to the amount of fifty thousand dollars, and for levying the necessary rates for the payment of the same," the said by-law numbered 763 having been on the 18th day of May, 1904 submitted to the ratepayers entitled to vote thereon in accordance with the provisions of *The Consolidated Municipal Act, 1903*, when out of 1,167 ratepayers entitled to vote 446 voted for the said by-law and 218 against the said by-law; that all of the said by-laws are set forth in full in Schedules "A," "B" and "C" respectively to this Act; that owing to the greater cost of construction arising from the rocky character of the soil in many places, and to relieve the ratepayers at large from the heavy annual payment that would fall on them it is desirable to extend the payment of the debentures over the term of forty years; and whereas it has been made to appear that doubts have arisen as to the validity of said by-laws numbered 689, as so amended, 746 and 763, and as to the authority of the said corporation to pass the same and it is necessary and expedient and of advantage to the said corporation that the said by-laws should

should be ratified and confirmed; and whereas the said corporation have prayed that an Act may be passed ratifying and confirming the said by-laws and for other purposes hereinafter set out; and whereas no objection has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 689, 746 and 763, of the Town of Galt, confirmed.

1. By-law number 689, as amended by by-law number 825, and by-laws numbers 746 and 763 of the Corporation of the Town of Galt, which are fully set forth in the Schedules "A," "B" and "C" to this Act, are hereby confirmed and declared legal and valid to all intents and purposes and the debentures issued or to be issued under the said respective by-laws shall be, and the same are hereby declared to be valid, legal and binding upon the Corporation of the Town of Galt and the ratepayers thereof notwithstanding any Act or law to the contrary.

Issue of debentures for cost of sewers and assessment of lands liable.

2. It shall be lawful for the Corporation of the Town of Galt from time to time to pass by-laws providing for the issue of debentures for such sum or sums as may be necessary to pay for the cost of the construction of such sewers and drains as have already been constructed or are in course of construction or may hereafter be constructed in the said town by the corporation thereof in accordance with the provisions of By-law No. 689 as so amended. The debentures issued under any such by-law may be guaranteed by the municipality at large.

Term of debentures.

Assent of electors not necessary.

3. Debentures may be issued under this Act and such by-laws payable in forty years after the issue thereof or by annual instalments during the period of forty years, or such shorter period as may be deemed expedient and as may be provided by any such by-law. It shall not be necessary to obtain the assent of the electors of the said town of Galt to the passing of any by-law which shall be passed under the provisions of this Act, and any provisions of *The Consolidated Municipal Act, 1903*, which shall or may be inconsistent with the provisions of this Act shall not apply to any by-law or by-laws passed under or by virtue hereof and any irregularities in the form of said debentures or any of them or any by-law or by-laws authorizing the issue thereof shall not render the same invalid or illegal or be allowed as a defence to any action against the corporation for the recovery of the amount of said debentures and interest or any or either of them or any part thereof, and the purchasers or holders of any such debentures shall not be bound to inquire as to the necessity of passing



passing such by-laws or issuing such debentures or as to the application of the proceeds thereof, but the same shall in the hands of any purchaser or purchasers be valid and binding upon the Corporation of the Town of Galt.

4. In case any strip of land or reservation be made along any street or lane upon which sewers or drains have been or shall hereafter be constructed in the said Town of Galt and the lands separated from such street or lane by such strip or reservation would but for such strip or reservation be liable to assessment for the cost of such sewers or drains under the provisions of the hereinbefore mentioned by-laws or any by-law which may be passed under or by virtue of the provisions of this Act, then such lands shall be liable to assessment for the cost of such sewers or drains in the same manner and to the same extent as if the same abutted or fronted upon such street or lane subject to the provisions hereinafter contained.

Lands reserved at sides of streets and lots adjoining may be assessed for local improvement.

5. In case any portion of such strip or reservation liable to assessment for such sewers or drains and the lands adjoining such strip or reservation and fronting thereon and separated thereby from the street or lane are assessed in the name of the same owner the frontage rate shall be assessed and levied as if such portion of the said strip or reservation and the lands fronting thereon were one lot or parcel of land fronting on the street or lane.

Where lands in reservation and adjoining lots are assessed in the name of same owner.

6. In case any portion of such strip or reservation and the lot or parcel of land fronting thereon are assessed in the name of different owners the assessment and frontage rate to be levied thereon shall be apportioned between such portion of the strip or reservation and the lot or parcel of land fronting thereon according to the benefit respectively derived by such portion of the strip or reservation and such lot or parcel of land from the improvements, work or service for which the assessment is made, such apportionment to be made by the council of the corporation.

Where lands in reservation and adjoining lots are assessed in the names of different owners.

7. The owner or occupant of any lot or parcel of land separated from any street or lane by any such strip or reservation and made liable to taxation under the preceding sections of this Act, may, from time to time for the purpose of connecting such lot or parcel of land or any sewer or drain therefrom with any sewer or drain laid by the Corporation of the Town of Galt in any such street or lane or for the purpose of maintaining or repairing any such sewer, drain or connection entered upon the intervening lands forming part of such strip or reservation and may pass through or over the same and may take up and excavate the same and lay down all necessary

Rights of adjoining owner to lay pipes, etc., in reservation.

pipes and drains therein, but such owner or occupant shall do no unnecessary damage to the land in such strip or reservation and shall, after laying any such pipe or drain or making repairs, restore such land to its former condition.

Assessment of  
corner lots, etc.

8. The council of the corporation may, by any by-law passed under the provisions of this Act, provide an equitable method of assessing and levying taxes authorized hereby upon corner lots, triangular or other irregular shaped pieces of land at the intersections or junctions of streets or lanes, having due regard to the situation value and superficial area of such lots or pieces of land as compared with adjoining lots or pieces of land liable to taxation for such sewers or drains and may assume any allowance made as part of the municipality's share of the cost of the works.

Any such special assessment or allowance shall be subject to appeal to the County Revision and to the County Judge in the same manner as a Local Improvement Assessment under *The Consolidated Municipal Act, 1903*.

#### SCHEDULE "A."

##### BY-LAW NUMBER 689 OF THE CORPORATION OF THE TOWN OF GALT.

Respecting sewers and frontage assessment for sewers, and to regulate the mode of payment for sewers and other matters in connection with sewers.

Whereas it is desirable to provide a uniform frontage tax throughout the town for the construction of sewers, and to provide for and fix the town's share for the payment of sewers, and to provide an equitable mode of assessing corner lots.

Be it therefore, and it is hereby enacted by the corporation of the Town of Galt, by the municipal council thereof duly convened and assembled, as follows:

1. That from and after the passing of this By-law it shall and may be lawful for the municipal council of the corporation or the Board of Public Works of the said council to construct, make, lay or prolong common sewers in such streets, lanes or highways in the said Town of Galt, and through private property in said town as may be necessary and expedient, either by petition or on sanitary grounds, or on the initiative method, as authorized and provided for in the clauses from time to time in force in the *Municipal Act* relating to local improvements and relating to sewers constructed as local improvements.

2. All private sewers shall be constructed so as to communicate with the said common sewers, and shall be of such arrangement, form and material as the rules and regulations from time to time in force in the Town of Galt may prescribe, and no person, firm or corporation shall make any openings to uncover any public sewer or house sewer or make any connection therewith unless by permission of the town engineer or town foreman or the Board of Public Works or other official or officials duly authorized by the municipal council, and it shall be the duty of any person or persons who may construct any drain or sewer while excavating to securely protect the opening or openings.

3. No open gutter, cess pool, privy vault, cellar, underground drain or exhaust pipe from any steam engine shall be connected with any sewer.

4. Storm water and rain water shall be carried off in a separate drain or sewer, which separate drain or sewer shall be constructed when necessary and expedient at the same time as the common sewers.

5. No person, firm or corporation, shall injure, break, or remove any portion of the sewer system or its appurtenances, or throw or deposit or cause to be thrown or deposited in any sewer opening or receptacle connected with the sewer system any garbage, offal, dead cats or any kind of dead animals, vegetable parings, ashes, cinders, rags or any other matter or thing, except faeces, urine, the necessary water closet paper, liquid house slops and roof water.

6. The town engineer, town foreman or Board of Public Works or other official or officials, duly authorized by the municipal council shall have the power to stop and prevent from discharging into the sewer system any private sewer or drain through which substances are discharged, which are liable to injure the sewers or obstruct the flow of the sewage.

7. The rules set forth in Schedule "A" shall be in full force and govern the construction of house sewers and drains, subject to alterations from time to time by the municipal council.

8. The plan of the Town of Galt showing a proposed sewerage system, prepared by Willis Chipman, C. E., dated 1895, shall be followed and adopted in the making and constructing of sewers in the Town of Galt, and the said plan is hereby incorporated in this By-law.

9. Every owner of property on each side of a street, lane or public highway, in front of which a sewer is constructed, shall pay a uniform frontage tax of seventy cents per running foot on any street, lane or highway, where a common sewer is constructed. Such amount shall be paid in twenty equal annual instalments, and the said instalments shall be payable at the same time as ordinary taxes are payable in said town, but the frontage tax may be paid in one amount on the completion of any sewer at the option of the person or persons interested, but the cost of making and constructing any sewer or sewers over and above seventy cents per running foot for each frontage on each side of a street, lane or public highway shall be paid by the corporation at large.

10. Any person or persons desirous of connecting his or their premises with any common sewer or of connecting it with any sewer for which the property has not been assessed, shall be assessed the same fixed frontage tax as if the sewer were constructed in front of said property, and payments shall be made at the same time and in the same manner and for a like number of years as the payments along the sewer constructed.

11. Any property thus assessed for the privileges of connecting with any sewer shall be exempt from any assessment for any sewer constructed or made on the street in front of such property.

12. The payments aforesaid shall be put on the collector's roll and collected with the other town taxes against the respective properties.

13. That corner lots shall be assessed for sewers constructed as local improvements in the following manner:

(a) Every corner lot shall be entitled to the exemption of one-half the total frontage on the two streets, not exceeding one hundred feet total exemption, except as hereinafter mentioned in clauses b and c.

(b) In cases where corner lots are built upon more than one side of the lot, each separate owner or tenement shall pay a frontage assessment, whether such tenement shall be on the front or side



of the lot, but no such tenement shall pay for more than one street frontage.

(c) If a corner lot is a triangular or irregular shaped piece of land, or otherwise so situated as to make portions of the same unfit for building purposes, such allowance shall be made, having due regard to the situation, value and superficial area of such lot as compared with the adjoining lots or pieces of land as the town engineer or town foreman, or the Board of Public Works or other official or officials duly authorized by the municipal council may deem just and equitable.

14. That the cost of any common sewer in excess of the total amount assessed on abutting properties shall be borne by the town.

Passed the 8th day of July, A. D. 1901.

(Sgd.) THOS. VAIR,  
Mayor.

(Sgd.) J. McCARTNEY,  
Town Clerk.

(Seal).

BY-LAW NUMBER 825, OF THE CORPORATION OF THE TOWN OF GALT.

To amend By-law Number 689 of said Corporation.

Whereas it is desirable to amend By-law 689 of the Corporation of the Town of Galt;

Be it therefore enacted, and it is hereby enacted, by the Corporation of the Town of Galt, by the municipal council thereof, duly convened and assembled, as follows:

1. By-law number 689 of the said corporation shall be amended as follows:

Section 9 of said by-law is hereby repealed and the following substituted therefor:

9. Every owner of property on each side of a street, lane or public highway, in front of which a sewer is constructed, shall pay an annual uniform rate of five cents per running foot frontage on such street, lane or highway in each year during the currency of the debentures issued to pay for the cost of constructing the sewer, not exceeding forty years, and such rate shall be payable at the same time as ordinary taxes are payable in said town. On the completion of any sewer the annual rate may be commuted at the option of any owner, by the payment by such owner of such a capital amount as would, if invested at the rate of interest which the debentures bear, produce a sufficient sum to discharge the annual rate of five cents on the frontage of such property of such owner during the currency of the debentures.

The cost of making and constructing any sewer over and above the capital amount which would be payable by all the owners of property on each side of the street, lane or public highway in front of which such sewer is constructed, if commuted on the above principle, shall be paid by the corporation at large.

2. Subsection (c) of section 13 shall hereafter be known as "13a," and shall be amended by striking out the word "corner" in the first line thereof.

Passed this twenty-second day of March, A.D. 1906.

((Signed) ADAM THOMSON,  
Mayor.

(Seal.)

((Signed) JOSEPH McCARTNEY,  
Town Clerk.



## SCHEDULE "B."

## BY-LAW NUMBER 746

To provide for Borrowing Money by the Issue of Debentures, secured by local special rates, for the construction of Sewers, on certain streets in the Town of Galt, for and during the years 1901, 1902 and 1903.

(Passed Nov. 23, 1903).

Whereas, various petitions have been sent in to the council of the corporation of the Town of Galt, to have sewers laid during the years 1901, 1902, 1903, upon the streets and within the limits shewn in the Schedule "A" annexed to this By-law;

And whereas, in accordance with such petitions and recommendations sewers were constructed upon the various streets, or portions of streets, and within the various limits as hereinafter mentioned;

And whereas the streets, or portions of streets upon which said sewers were so constructed, and the extent and limits thereof, are fully shown and set forth in the Schedule "A" annexed hereto; and also the total cost of all sewers so laid or constructed, the proportion thereof to be borne by the said corporation generally, as local improvements, and the proportion thereof which the rate-payers have to pay according to the frontage tax system;

And whereas the value of the whole real property rateable under this By-law according to the last revised assessment roll, is the sum of \$107,450.00;

And whereas the total cost of all such sewers is the sum of \$10,971.52, which is the debt to be created by this By-law;

And whereas it will require the sum of \$438.86 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this By-law, to pay the interest of said debt, and the sum of \$408.31 to be raised annually during the said period for the payment of the debt to be created by this By-law, such sum of \$408.31 being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of \$847.17 to be raised annually as aforesaid;

And whereas the number of feet of frontage of the assessable real property on each of the aforesaid street or portions of streets within the limits shown in the schedules hereto is, as shown in the ninth column of the said schedules opposite each such piece of sewer, and the frontage as therein shown is immediately, directly, equally and specially benefited by the construction of the said sewers respectively, and whereas it will be necessary to charge upon each foot of the said frontage an annual special rate sufficient to pay the interest and to create an annual sinking fund for paying the said principal debt of \$10,971.52 within twenty years according to law, which said debt is created on the security of the special rate settled by this By-law and on that security only;

And whereas it is expedient to raise the said sum of \$10,971.52 by debentures of the corporation of the Town of Galt;

Therefore the municipal council of the corporation of the Town of Galt enacts as follows:

1. During twenty years the currency of the debentures to be issued under the authority of this By-law, the sum of \$438.86 shall be raised annually for the payment of interest on said debentures, and also the sum of \$408.31 shall be raised annually for the payment of the debt, making in all the sum of \$847.17 to be raised annually as aforesaid.

2. A special rate, as shown in the tenth column of the said schedules, opposite each respective sewer is hereby imposed on each foot frontage of all the real property fronting or abutting upon

each of the several streets or portions of streets set forth in the said schedules, over and above all other rates and taxes, which special rate shall, with that part of the cost of said sewers borne by the corporation, as set out in the seventh column of the said schedules, be sufficient to produce in each year the sum of \$847.17, and shall in each year for the next succeeding twenty years, be inserted on the collector's roll of the Town of Galt for the wards in which the said sewers are respectively situate, as shown in the fifth column of the said schedule respectively, and shall be payable to and collected by the said collector in the same way as other rates on the said roll.

4. The sum of \$10,971.52 shall be raised by loan by this corporation on the security of the special rate hereby imposed, and on that security only, and the said sum shall be laid out and expended in paying off and discharging the temporary loans heretofore obtained for the construction of said sewers, and in no other way and for no other purpose whatever; and debentures amounting to the said sum shall be issued by the said corporation therefor; such debentures shall contain a reference by date and number to the By-law or By-laws under which they are issued, and on their face shall bear the words "Local Improvement Debenture" and payment of the said debentures is guaranteed by the corporation of the Town of Galt at large.

5. The said debentures shall be issued in currency, and shall be made payable at the Merchants' Bank of Canada in Galt, or at the town treasurer's office in Galt, on the 23rd day of Nov. A. D. 1923, and such debentures shall be issued and dated the 23 day of Nov. A.D. 1903, and shall have coupons attached to them for the payment of the interest thereon.

6. The said debentures shall bear interest at the rate of 4 per centum per annum from the date of the same, which interest shall be payable half yearly, on the 23rd days of May & Nov. of each year, at the Merchants' Bank of Canada in Galt, or at the town treasurer's office in Galt.

7. If at any time any of the owners of any of the properties in the said schedules mentioned, or of any part thereof, shall desire to commute the assessment imposed by this By-law by the payment of his, her or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she or they may so commute by the payment of a sum based on the amount for which one hundred dollars as first cost may be commuted at any time during 20 years, as shown in the "Table of Commutation Values" annexed to this By-law.

8. All moneys arising out of the said annual special rate, and all moneys received in commutation thereof under the preceding section of this By-law, shall be invested by the town treasurer under resolution of this council from time to time as the law directs.

9. The debentures to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the Debenture Registry Book of the said corporation of the Town of Galt."

10. The amount of debentures authorized to be issued under this By-law is subject to consolidation by including the same in a collective or cumulative By-law to be hereafter passed, consolidating the same with other amounts authorized or to be authorized by other local improvement By-laws, and under which consolidating By-law the required debenture to provide for the amounts to be raised under this and said other individual By-laws shall be issued in a consecutive issue, as shall in said consolidating By-law be more particularly enacted in that behalf.

11. That this By-law shall come into operation and take effect on the 23rd day of November, A. D. 1903.

Passed, signed and sealed in open council this 23rd day of November, A. D. 1903

(Sgd.) HUGH CANT,  
Mayor.

(Sgd.) J. McCARTNEY,  
Town Clerk.

(Seal).

Council Chamber, Galt, Nov. 23, A.D. 1903.

TABLE OF COMMUTATION VALUES.

Amount for which \$100.00 may be commuted at any time during 20 years.

Year.	Commuting Value.
First cost .....	\$100 00
During First year .....	104 00
" Second year .....	100 50
" Third year .....	96 88
" Fourth year .....	93 10
" Fifth year .....	89 20
" Sixth year .....	85 10
" Seventh year .....	80 85
" Eighth year .....	76 43
" Ninth year .....	71 84
" Tenth year .....	67 05
" Eleventh year .....	62 08
" Twelfth year .....	56 91
" Thirteenth year .....	51 54
" Fourteenth year .....	45 94
" Fifteenth year .....	40 13
" Sixteenth year .....	34 08
" Seventeenth year .....	27 79
" Eighteenth year .....	21 24
" Nineteenth year .....	14 44
" Twentieth year .....	7 36

NOTE.—Other sums than \$100.00 as first cost may be commuted at proportionate values.

SCHEDULE "A" referred to in the foregoing By-Law No. 747.—Sewers laid in the town of Galt (upon petition) during the years 1901, 1902, and 1903.

1	2	3	4	5	6	7	8	9	10
Number.	On what streets.	From.	To.	Ward.	Total cost of sewer.	Town's share thereof.	Rate-payers' share.	Number of feet of frontage assemblé.	Rate per foot to be raised annually.
1	Dickson .....	North Water Street ..	Wellington Street ....	2	10,971 52	9,127 63	1,843 89	1,351' 8"	
2	North Water ....	Main Street .....	North Street .....	2				951' 5½"	
3	Ainslie .....	Main Street .....	Dickson Street .....	2				330' 11"	
					\$10,971 52	\$9,127 63	\$1,843 89	2,634' ½"	



## SCHEDULE "C."

## BY-LAW No. 763 OF THE CORPORATION OF THE TOWN OF GALT.

To provide for the issue of a Debenture or Debentures to the amount of Fifty thousand dollars, and for levying the necessary rates for the payment of the same.

Whereas it is necessary to raise the sum of \$50,000 for the construction of trunk sewers on West Main street and North and South Water streets in the Town of Galt, and the construction of septic tanks and the necessary disposal works;

The said sum of \$50,000 to be payable in 20 years from the date on which the debenture or debentures are directed to be issued by this By-law;

And whereas to carry into effect the said recited object, it will be necessary to raise the said sum of \$50,000 by way of loan in the way and manner hereinafter set forth and specified;

And whereas it will require the sum of three thousand eight hundred and sixty dollars and seventy-eight cents to be raised annually by special rate for the payment of the said loan or debt and interest as is also hereinafter mentioned;

And whereas the amount of the whole rateable property in the municipality of the Town of Galt, according to the last revised assessment roll of the said Town of Galt, being for the year 1904, is three million, twenty thousand four hundred and twenty dollars;

And whereas it will require the sum of \$2,000 to be raised annually for the payment of the said interest, and the further sum of \$1,860.78 to be raised annually as a sinking fund for the payment of the said debt or loan of fifty thousand dollars;

And whereas the amount of the existing debenture debt of the Town of Galt is \$263,924.96, and no part of the interest or of the principal is in arrears;

Be it therefore and it is hereby enacted by the corporation of the Town of Galt, by the municipal council thereof duly convened and assembled, as follows:

1. That it shall be lawful for the mayor of the corporation of the Town of Galt to raise by way of loan from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of the debenture or debentures mentioned herein, a sum of money not exceeding the sum of \$50,000 (unless of course the said debenture or debentures can be disposed of at a premium), and to pay or cause the same to be paid into the hands of the treasurer of the said Town of Galt for the purposes and with the above recited objects.

2. That it shall be lawful for the said mayor and he is hereby authorized to cause a debenture or a number of debentures to the extent of \$50,000, to be made for such sums of money as may be required, but such debenture or debentures shall not be less than \$500.00 each, and they shall be sealed with the seal of the said corporation and be signed by the mayor and countersigned by the treasurer thereof.

3. The said debenture or debentures shall be issued in currency and shall be made payable in the Dominion of Canada on the sixth day of June, A. D. 1924, and such debenture or debentures shall be issued and dated as of the sixth day of June, A. D. 1904, the day on which this By-law takes effect, and shall have coupons attached to them for the payment of the interest thereon.

4. The said debenture or debentures will bear interest at the rate of 4 per centum per annum from the date of the same, which

which interest shall be payable half yearly on the sixth days of June and December in each year, at the Merchants' Bank of Canada, or at the town treasurer's office in Galt.

5. That for the purpose of forming a fund for the payment of the said debenture or debentures and interest thereon at the rate aforesaid, the specific sums, namely, the sum of \$1,860.78 for sinking fund, and the sum of \$2,000.00 for the interest in each year shall in addition to all other rates be assessed, levied, raised and collected in each and every year by a special rate sufficient therefor, upon all the rateable property within the limits of the Town of Galt during the continuance of the said debenture or debentures or any of them.

5a. That the owners as defined in the *Municipal Act* having property fronting or abutting on North and South Water streets and West Main street opposite the trunk sewers proposed to be constructed, shall pay the sum of 70 cents per running foot for each frontage on each side of said streets for and during the period of 20 years as mentioned in By-law No. 689.

6. And it is further enacted by the said corporation of the Town of Galt by the municipal council thereof, that the votes of the duly qualified electors of the corporation shall be taken on this By-law at the times and places and by the deputy returning officers hereinafter specified, that is to say: On Wednesday, the 18th day of May, A. D. 1904, (being not more than five weeks nor less than three weeks after the date of the first publication thereof), commencing at the hour of 9 o'clock in the forenoon, and closing at the hour of 5 o'clock in the afternoon of the same day.

Ward No. 1, at Axe Factory office, with Wm. Lapsley, Deputy Returning Officer.

Ward No. 2, at Town Hall, with Wm. Colvin, Deputy Returning Officer.

Ward No. 3, at Scott & Hogg's office, with Jno. McFeiggan, Deputy Returning Officer.

Ward No. 4, at Agriculture Hall, with Wm. Blythe, Deputy Returning Officer.

Ward No. 5, at Moore's Egg Depot, with Peter Henderson, Deputy Returning Officer.

7. That the clerk of the said corporation of the Town of Galt shall sum up the number of votes given for and against this By-law on Thursday, the 19th day of May, A. D. 1904, at the hour of 12 o'clock noon, at the clerk's office, in the Town of Galt.

8. That on Wednesday, the 11th day of May, A. D. 1904, at 10 o'clock a. m., at the clerk's office in the Town of Galt, the mayor shall appoint in writing, signed by himself, two persons to attend at the final summing up of the votes by the said clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this By-law, and a like number in behalf of the persons interested in and desirous of opposing the passing of this By-law.

9. This By-law is passed for the purpose of paying for trunk sewers on West Main street and North and South Water streets, and the construction of septic tanks and the necessary disposal works; all other sewers to be constructed on petition or on the initiative or on sanitary grounds as the case may be.

10. This By-law shall take effect and come into operation on the sixth day of June, A. D. 1904, such date being in the same financial year in which the By-law will be passed.

(Sgd.) MARK MUNDY,

Mayor of the Corporation of the Town of Galt.

(Sgd.) J. McCARTNEY,

(Seal).

Clerk of the Corporation of the Town of Galt.

Galt, June 6th, 1904.

## CHAPTER 75.

## An Act respecting the City of Kingston.

*Assented to 14th May, 1906.*

WHEREAS the Municipal Corporation of the City of Kingston has by its petition represented that the interests of the said corporation would be better served by a council composed of aldermen elected for a term of three years instead of for a term of one year as at present; and whereas the said corporation has by its said petition prayed that an Act be passed providing that beginning with the year 1907 the aldermen who obtain the highest number of votes in each ward in the City of Kingston at the municipal elections held in that year, shall hold office for three years, and that the aldermen who obtain the next highest number of votes in each ward shall hold office for two years, and that the aldermen who obtain the third highest number of votes in each ward shall hold office for one year, and that thereafter one alderman be elected for each ward annually to hold office for three years; and whereas it is expedient to grant the prayer of the said petition :

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Beginning with the year 1907, the aldermen of the municipal corporation of the City of Kingston who obtain the highest number of votes in each ward at the municipal elections, held in that year, shall hold office for three years and the aldermen who obtain the next highest number of votes in each ward shall hold office for two years and the aldermen who obtain the third highest number of votes in each ward shall hold office for one year, and thereafter one alderman shall be elected for each ward annually to hold office for three years : any provisions of *The Consolidated Municipal Act, 1903*, or any other Act or Acts contrary to or inconsistent with the foregoing shall not apply to the said municipal corporation of the City of Kingston.

Preamble.  
Term of office  
of aldermen.

3 Edw. VII.,  
c. 19.

## CHAPTER 76.

## An Act respecting the City of London.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS the Corporation of the City of London has by petition represented that the Council of the said Corporation, on the twenty-ninth day of December, A.D. 1905, passed certain by-laws, numbered 2,690, 2,691, and 2,692, to levy the cost of the construction of certain local improvements, and for the issue of debentures therefor; that the said Council did on the twenty-ninth day of December, A.D. 1905, pass a by-law numbered 2,693 to consolidate the several issues of debentures mentioned in the said first mentioned by-laws; that the said Council did on the fifth day of June, A.D. 1905, pass a by-law numbered 2,625, to provide for the construction of a bitulithic pavement with cement curb and gutter on Richmond Street between Fullerton Street and Oxford Street, in the said City of London; that the whole of the moneys borrowed by the Corporation of the City of London, under by-law numbered 2,492, passed on the sixteenth day of January, A.D. 1905, for the purpose of erecting a breakwater in London West, have been expended, and an over-draft has been occasioned in the erection of the said breakwater, and that it will be necessary to issue debentures for a further sum not exceeding six thousand dollars to complete the erection of the said breakwater in London West, and the work incidental thereto; and whereas the said Corporation has further represented that the said by-laws numbered 2,690, 2,691, 2,692 and 2,693 should be confirmed in order that the debentures issued thereunder may be more readily and profitably disposed of, and that the other by-law should also be confirmed; and has further represented that its debenture debt should be consolidated, and that its local improvement debentures, having been issued upon a ten-year basis, cause an unduly heavy annual charge upon the general tax rate of the City for the proportion of such works, to be paid for out of the general funds of the city, and as the lifetime of the average local improvement is fully twenty years, it is  
desirable



desirable that this burden should be distributed over a longer period, and in order to relieve such burden, it is expedient that the said Corporation be authorized to issue new debentures for a period of ten years, payable in equal consecutive annual instalments for the city's portion of the said charges, payable each year for principal, which shall mature in respect of the local improvement debentures already issued, and of such further local improvement debentures, as may from time to time hereafter be issued; and whereas the debenture debt of the Corporation of the City of London, exclusive of local improvement debentures, and special issues of debentures issued on account of public schools, high schools, and public library, amounts to the sum of \$2,489,000, maturing as follows:—

Year.

1906 .....	\$180,000.00
1908 .....	60,000.00
1910 .....	68,000.00
1911 .....	77,000.00
1913 .....	175,000.00
1916 .....	250,000.00
1917 .....	115,000.00
1921 .....	335,000.00
1922 .....	60,000.00
1923 .....	110,000.00
1924 .....	185,000.00
1925 .....	65,000.00
1926 .....	185,000.00
1927 .....	105,000.00
1928 .....	111,000.00
1929 .....	55,000.00
1932 .....	34,000.00
1933 .....	50,000.00
1935 .....	9,000.00
1936 .....	260,000.00
	\$2,489,000.00

and whereas the value of the whole rateable property of the said corporation, according to the last revised assessment roll is \$21,241,887; and whereas the said municipal council has, by its said petition, prayed for the passing of an Act for the purposes aforesaid, and that provisions be made as to the limit of the borrowing power of the said corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The by-laws of the Corporation of the City of London, specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made

By-laws specified in Schedule "A" confirmed.

made, for the payment thereof, are confirmed, and declared to be legal, valid and binding.

By-law specified in Schedule "B" confirmed.

2. The by-law of the Corporation of the City of London specified in Schedule "B" hereto, is confirmed, and declared to be legal, valid and binding.

Application of surplus proceeds of debentures issued under By-law No. 1093.

3. The Corporation of the City of London may apply the surplus proceeds of the debentures of the said corporation, issued under by-law numbered 1,093, passed on the twenty-first day of November, 1898, in reduction of the overdraft of the said Corporation, occasioned by the amount expended in the erection of the breakwater in London West.

Authority to borrow \$6,000 for completion of breakwater in London West

4. Notwithstanding the provisions of any Act or law, the Corporation of the City of London may borrow for any period not exceeding thirty years, such sum not exceeding \$6,000 as to the council thereof may seem meet for the purpose of completing the erection of the said breakwater in London West, and the work incidental thereto.

Assent of electors not required to By-law : applications of provisions of 3 Edw.VII., c. 19.

5. It shall not be necessary that the by-law for the purposes mentioned in the next preceding section hereof, shall be submitted to, or receive the assent of the ratepayers of the City of London, but all the other provisions of *The Consolidated Municipal Act, 1903*, which are applicable, and which are not inconsistent with the provisions of this Act, shall apply to such by-law, and the debentures issued for the purposes mentioned in section four hereof, may bear such rate of interest, not exceeding five per cent. per annum, as the Council of the Corporation of the said City may determine.

Consolidation of debenture debts and issue of debentures authorized.

6. The Corporation of the City of London may borrow for the purpose of paying its debenture debt mentioned in the preamble of this Act and consolidating its said debt a sum not exceeding \$2,300,000, and may issue debentures therefor.

App. cation of proceeds of debentures.

7. The proceeds of such loan shall be applied for the purpose of the redemption and payment of the said debentures mentioned in the preamble of this Act, and the said Corporation may make such arrangements with the holders thereof or any of them for paying off the same at maturity or in advance of the respective times fixed for payment thereof, on such terms and conditions as may be agreed on.

Retirement outstanding debentures.

8. The said Corporation may also buy in the said debentures or may agree with the holders of them or any of them whether the time fixed for payment of them shall have arrived or not for the substitution for them or any of them

of

of debentures to be issued under the authority of this Act at such price and on such terms and conditions as may be deemed best.

9. All charges and expenses of and incidental to the payment or redemption of the debentures mentioned in the preamble to this Act may be paid out of the proceeds of the said loan. Payment of expenses of redemption of outstanding debentures.

10. The debentures to be issued under the authority of this Act shall be known as "City of London New General Consolidated Loan Debentures," and may be made payable in Canada or Great Britain, the United States of America or elsewhere, and in any currency, and shall be in sums of not less than \$100 Canadian currency or £20 sterling money of Great Britain. New debentures how designated and payable.

11. The said debentures shall be made payable within forty years from the 1st day of January last (1906). Term of debentures.

12. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four per centum per annum as to the said Corporation may seem meet, and the interest may be made payable yearly or half-yearly. Coupons.

13. The said Municipal Council shall levy in each year during the said period of forty years, the sum of \$116,204, for the payment of the debt created by the issue of the said debentures and the interest thereon instead of the sums which would require to be raised for those purposes under the provisions of *The Consolidated Municipal Act, 1903*, and so much of the said sum as shall not be required to pay the annual interest on the said debentures shall, subject to the provisions of section 15 of this Act, form the sinking fund for the redemption thereof. Amount to be raised in each year for payment of debt.

14. The said Corporation may from time to time apply any part of the sinking fund which shall have been raised for the payment of the whole issue of the said debentures by this Act authorized to be issued under the foregoing provisions hereof and the income arising from the investment thereof, and any sum, for the time being, at the credit thereof in paying off the principal of any of the said debentures which shall become payable before the expiration of the said period of forty years, when and as the same shall become payable. Application of sinking fund.

15. It shall not be necessary for the said Corporation to raise or levy hereafter the rates or sums imposed or required to be levied by the by-laws under the authority of which the said outstanding debentures, or any of them, were issued. Levy to meet outstanding debentures not required.

Payment of interest on.

and

and any sum required to pay the annual interest on the said outstanding debentures, may to the extent of \$92,000 per annum be paid out of the said sum of \$116,204 and so much of such annual interest as the said sum of \$92,000 shall be insufficient to pay, may be paid out of the proceeds of the said loan.

Assent of rate-payers not required to By-laws passed for issue of debentures.

16. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the said City of London in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and it shall be sufficient if any such by-law be in the form in the Schedule "C" to this Act set forth, notwithstanding the provisions of the said Act.

3 Edw. 7, c. 19.

Application of sinking fund raised for payment of outstanding debentures.

17. The sinking fund held by the said Corporation for the redemption of the debentures in the preamble of this Act mentioned may be used and applied in paying off, under the provisions of this Act, any of the said debentures, and not otherwise, and the securities in which the said sinking fund may be invested may be sold and converted into money in order that it may be so used and applied.

Irregularity in form not to invalidate debentures.

18. No irregularity in the form of any of the debentures issued under the authority of this Act, or any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the said Corporation for the recovery of the amount thereof or the interest thereon or any part thereof.

Purchaser of debentures not bound to see to application of monies.

19. The purchaser of any of the debentures which shall be issued under the authority of this Act shall not be bound to see to the application of his purchase money, and any of the said debentures, which shall purport to have been issued under the authority of this Act, shall be conclusively presumed in favour of the purchaser thereof to have been so issued.

Redemption of outstanding debentures to be with consent of holders.

20. Nothing in this Act contained shall be construed as giving to the said Corporation any authority to pay off or redeem any of the debentures in the preamble to this Act mentioned, before the maturity thereof, without the consent of the holder thereof.

Authority to borrow on security of or hypothecate debentures.

21. The said Corporation may, if it shall deem it expedient so to do, from time to time borrow on the security of the debentures by the foregoing provisions of this Act authorized to be issued, such sums as it may require for the purpose of paying off or redeeming the debentures in the pre-

amble



amble to this Act mentioned or any of them, and may hypothecate or pledge the said debentures, or any of them, as security for the moneys so borrowed, when and with such rate of interest as to the said Corporation shall seem meet.

22. The limit of the borrowing power of the said Corporation shall, notwithstanding the provisions of any Act or law to the contrary, be fourteen per centum of the assessed value of the whole rateable property of the said City of London, as shown by the last revised assessment roll for the time being of the said City.

Limit of borrowing powers of city.

23. In calculating the amount of the indebtedness of the said Corporation for the purpose of ascertaining if the limit of its borrowing power, as fixed by the next preceding section, has been reached, the net amount of its indebtedness for water-works purposes being the sum of \$549,909.36, and any liability in respect of local improvement debentures, issued by the said corporation, except such portion thereof as is payable by the said Corporation at large, shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

Indebtedness for waterworks and local improvements not to be reckoned as part of debenture indebtedness in fixing such limit.

24. The Corporation of the City of London may borrow by the issue of debentures for any period not exceeding ten years, as to the Council thereof may seem meet, each year, such sum as may be necessary to pay the City's portion of the charges for principal, which shall mature in respect of the local improvement debentures already issued, and of such further local improvement debentures as may from time to time hereafter be issued, and such debentures shall be payable in equal consecutive annual instalments, and it shall not be necessary that any by-law for the purposes in this section mentioned shall be submitted to, or receive the assent of the ratepayers of the said City, and such debentures may bear such rate of interest not exceeding five per cent. per annum as the Council of the Corporation of the said City may from time to time determine, and it shall be sufficient if any such by-law be in the form of Schedule "D" to this Act set forth, notwithstanding the provisions of *The Consolidated Municipal Act, 1903*.

Issue of debentures to meet city's portion of charges for principal of local improvement debts.

25. The corporation shall not issue the remainder of the two millions of debentures, authorized to be issued by *The City of London Debt Consolidation Act, 1891*, which has not yet been issued, such remainder being \$370,000.

Balance of debentures authorized by Act of 1891 not to be issued.

26. This Act may be known and cited as "*The City of London Act, 1906*."

Short title.

## SCHEDULE "A."

List of By-laws providing for the issue of debentures by the Council of the City of London, passed on the twenty-ninth day of December, A.D., 1905.

No. of By-law.	Nature of work under by-law.	Amount of debt created.		Amount to be borne by city.		Amount by ratepayers.		Time.	Rate.
		£.	c.	£.	c.	£.	c.		
2690	Local improvement debentures to defray the cost of certain sidewalks, curbs and gutters constructed in the year 1905..	48,645	96	28,393	60	20,252	36	10 years	4%
2691	Local improvement debentures to defray cost of certain tile sewers constructed in the year 1905.....	12,618	82	3,055	66	9,563	16	10 years	4%
2692	Local improvement debentures to defray the costs of certain pavements constructed in the year 1905.....	71,145	48	22,817	94	48,327	54	10 years	4%
2693	To consolidate the several issues of the debentures referred to in by-laws numbers 2690, 2691 and 2692 and to provide for raising by debentures the city's share of the cost of the improvements in the said by-laws mentioned which are to be raised by special rate .....	132,410	26	54,267	20	78,143	06	10 years	4%

## SCHEDULE B.

BY-LAW No. 2625.

Providing for the construction of a bitulithic pavement, with cement kerb and gutter, on Richmond Street between Fullarton and Oxford Streets.

## SCHEDULE C.

(Section 16).

## FORM OF BY-LAW.

By-law to authorize the issue of \$                      debentures under the authority of *The City of London Act, 1906*, and to impose rates for the payment thereof.

Whereas it is necessary to raise a loan of \$                      for the purpose of paying off and redeeming the outstanding debentures of the corporation of the City of London, under the provisions of *The City of London Act, 1906*;

Be it, therefore, enacted by the municipal council of the corporation of the City of London:

1. The mayor and treasurer are hereby authorized and directed to borrow, on the credit of the said corporation, under the authority of the said Act, and for the purposes hereinbefore mentioned, the sum of \$                      , and to issue the debentures of the said corporation for such purpose to the amount aforesaid.

2. The said debentures shall be payable in manner following, that is to say:  
and at (place of payment).

3. The said debentures shall bear interest at the rate of                      per centum per annum, payable half-yearly, on the 1st days of January and July in each year during the currency thereof, and shall have coupons attached for the payment of the interest.

4. The said debentures shall be drawn in sums of not less than \$100 Canadian currency, or £20 sterling money of Great Britain, and may be made payable in Canadian currency, sterling money of Great Britain, or any other currency.

5. For the purpose of paying the interest of the said debentures, and providing a sinking fund for the payment of the principal thereof, the said municipal council shall, in each year during the currency of the said debentures or any of them, levy upon the rateable property of the said city the sum of \$116,204, or a sum bearing the same proportion to the sum to be borrowed under the by-law as \$116,204, bears to \$2,300,000.

6. The proceeds of the loan hereby authorized to be effected and of the debentures hereby authorized to be issued shall be applied for the purposes mentioned in the said Act, and for no other purpose whatever.

Passed in open council this  
A.D. 19                      .

day of

Clerk.

Mayor.

(L.S.)

## SCHEDULE D.

(Section 24).

## FORM OF BY-LAW.

By-law to authorize the issue of \$ debentures under the authority of section 24 of *The City of London Act, 1906*, and to impose rates for the payment thereof.

Whereas it is expedient, under the provisions of section 24 of *The City of London Act, 1906*, to raise a loan of \$ for the purpose of paying off and redeeming the city's portion of the charges for principal, which mature this year, in respect of the local improvement debentures issued by the corporation of the City of London;

Be it, therefore, enacted by the municipal council of the corporation of the City of London:

1. The mayor and treasurer are hereby authorized to borrow, on the credit of the said corporation, under the authority of the said section of the said Act, and for the purposes hereinbefore mentioned, the sum of \$ , and to issue the debentures of the said corporation for such purpose to the amount aforesaid.

2. The said debentures shall be payable in manner following, that is to say, within ten years from the 30th day of December of the current year, with interest at the rate of per cent. per annum, that is to say, the interest shall be added to the principal, and the principal and interest combined shall be payable in ten equal consecutive annual instalments of \$ each, and such debentures shall be payable at (place of payment).

3. The said debentures shall be drawn in sums of not less than \$100 Canadian currency, or £20 sterling money of Great Britain, and may be made payable in Canadian currency, sterling money of Great Britain, or any other currency.

4. For the purpose of paying the said sum of \$ , and for covering interest thereon for ten years at the rate of per cent. per annum, as hereinbefore provided, a special rate on the dollar, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected upon the whole of the rateable property in the said City of London in each year for ten years from the said 30th day of December, during which the said debentures have to run.

5. The proceeds of the loan hereby authorized to be effected and of the debentures hereby authorized to be issued shall be applied for the purposes mentioned in the said section of the said Act, and for no other purpose whatever.

Passed in open council this day of  
A.D. 19 .

Clerk.

Mayor.

(L.S.)



## CHAPTER 77.

An Act to confirm By-law number 580 of the  
County of Middlesex.*Assented to 27th April, 1906.*

WHEREAS the Corporation of the County of Middlesex has by petition prayed that By-law No. 580 of 1906 of the said County of Middlesex to set apart a sum of money to be applied for the improvement of public highways, in the local municipalities in the County of Middlesex, may be confirmed and declared to be legal, valid and binding, notwithstanding any want of jurisdiction on the part of the said municipality to pass the same; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Saving and excepting subsection 8 of section 1 and sections 2, 3, 4 and 6 of the said by-law, and subject to the provisions of sections 2, 3, and 4 of this Act, By-law No. 580 of the said County of Middlesex set out in Schedule "A" to this Act is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the other municipal corporations and parties mentioned therein.

By-law No. 580  
of the County  
of Middlesex  
set out in  
Schedule A  
confirmed.

2. Before commencing any work of road improvement under the said by-law the local municipality shall submit a specification of such work to the county commissioner and receive his approval before proceeding with the work.

Local municipalities to  
submit specifications for  
approval of  
County  
Commissioner.

3. Notwithstanding anything contained therein, the said by-law shall not be repealed without the approval of the Lieutenant-Governor in Council.

By-law not to  
be repealed  
without  
approval of  
Lieutenant-  
Governor.

4. The local council, before finally passing the by-law mentioned in subsection 12 of section 1 of the said By-law No. 580, shall also obtain the approval of the Minister of Public Works thereto.

Minister of  
Public Works  
to approve of  
certain by-law.

## SCHEDULE A.

## BY-LAW NUMBER 580.

A By-law to set apart a sum of money to be applied for the Improvement of Public Highways in the local municipalities in the County of Middlesex.

Whereas the Legislative Assembly in the Province of Ontario passed an Act in 1901 (1 Edward VII., Chapter 32) entitled *An Act for the Improvement of Public Highways*, and passed subsequent amendments thereto, and whereas the said Legislature under the said Act set apart the sum of \$1,000,000 to be paid out of the Consolidated Revenue Fund of this Province to aid in the building and improvement of public highways in this Province;

And whereas the municipal council of the County of Middlesex is desirous of sharing in the said sum of money for the improvement of certain highways in the county, and according to the provisions of the said Act the county council must assume a system of county roads in order to participate in the benefits to be derived by the county under the Act;

And whereas the local councils are opposed to the county again assuming a county road system but are willing they or the county should comply with all other requirements contained in the Act;

And whereas the county council consider the roads within the county (being well built and with few exceptions already gravel roads) can be more economically repaired and maintained by the local councils, and is therefore of the opinion that it is in the interest of the ratepayers of the county that the roads should remain under the supervision and control of the local municipalities but is willing to comply with all other requirements of the said Act;

Therefore the county council (with the advice and consent of the local councils) has decided to request the Provincial Legislature to pass an Act to confirm this by-law, wherein the county council have endeavored to comply with all the requirements demanded by the said Act above cited, save and except that the roads shall remain under the control and management of the local councils and under the provisions of which the ratepayers of the county may benefit by the moneys so set apart for the improvement of public highways under the said Act.

Be it therefore enacted by the municipal council of the County of Middlesex, and it is hereby enacted as follows:—

1. That a sum to be fixed annually by the county council, but not less than nine thousand dollars and not to exceed fifteen thousand dollars, shall be set apart to be paid out of the current revenue of the county to aid in the improvement of public highways within the said county. The money so set apart shall be divided annually by the county council among the municipalities of the county in proportion to their equalized assessed value as set forth in the report of the equalization committee for the preceding year, subject to the terms and conditions hereinafter set forth:

(1) The highways to be improved in any township, village or town are to be designated by by-law of the council of said township, village or town, and a copy of such by-law shall be transmitted forthwith to the clerk of the county council;

(2) Any municipality may apply the whole or part of the money to which it may be entitled under the by-law towards paying any expenses that may be incurred for the purchase of toll roads within such municipality or for freeing the same from tolls. Such toll roads as are purchased shall be included in the roads to be designated and improved in accordance with this by-law;

(3) Any highway, in order to come under the provisions of this by-law as to aid, shall be constructed or repaired according to the regulations of the Public Works Department with respect to highways.

(4) On completion of any work of road improvement under this by-law the council of the municipality under which such work was carried on, shall submit to the county council a statement setting forth the cost of such work, such statement to be verified by affidavit of the treasurer, and to be certified by the reeve or mayor of the municipality, and on receipt of such statement by the county treasurer, certified and approved by the county commissioner, the municipality shall be entitled to receive out of the moneys hereby set apart for public highways an amount equal to the cost of the work, but not to exceed the proportion of the appropriation to which such municipality is entitled; said moneys to be paid by the county treasurer on the order of the county commissioner;

(5) No municipality shall be entitled to receive any portion of the sum hereby set apart until the county council have submitted a plan of the county, designating the roads for improvement under this by-law to the Lieutenant-Governor-in-Council, and his approval of the same is obtained;

(6) Wherever a road designated to receive the county grant intersects a highway which does not receive the grant, the road designated to receive the grant shall include the full width of the road allowance and culverts or bridges thereon or touching thereon;

(7) The total mileage to be designated by the township councils shall be about 200 miles, and shall be divided among the townships as follows:—

	Miles.
Adelaide .....	11.40
Caradoc .....	14.06
Delaware .....	6.03
Dorchester .....	12.99
Ekfrid .....	12.48
Lobo .....	14.24
London .....	30.70
Metcalfe .....	8.01
Mosa .....	10.14
Nissouri .....	14.59
Westminster .....	19.73
Williams, East .....	10.20
Williams, West .....	7.59
McGillivray .....	17.24
Biddulph .....	10.60

(8) Before commencing any work of road improvement the local municipality shall submit a specification of such work to the county commissioner and receive his approval before proceeding with the work unless they are satisfied the proposed work is completely in accordance with the Public Works Department and will pass inspection required under this by-law;

Immediately after the completion of any work in a local municipality within the county done under this by-law, the clerk of such local municipality shall notify the county commissioner, and it shall be his duty to inspect said work and report to the county council;

(9) Plans and specifications for all new bridges to be erected by the local municipalities on roads designated by by-law of the local municipalities for improvement under this by-law must be submitted to the county commissioner for his approval before the work is commenced or aid will not be granted;

(10) All work of road improvement for which the local municipalities are responsible on roads designated to receive aid under this by-law shall be under the management of the local municipal councils, which shall provide and pay out all moneys necessary for the work; and after their accounts are rendered and approved of

as set forth in sub-section (4) of section 1 or this by-law, the municipality will be entitled to their proportion of the money so expended on or before the first day of March of the succeeding year after the works are completed;

(11) Nothing herein contained shall be held or taken to mean that the county council is by this by-law relieved or that the local municipalities are by this by-law relieved of any responsibilities held by the said county council or local municipality previous to the passing of this by-law;

(12) If in any local municipality it can be shown to the county council that the money appropriated by the county in any year or any portion of such money is not required for expenditure upon the said roads, then the local council may by by-law, with consent of the county council expressed by resolution, add other road or roads to those already designated in accordance with sub-section (1) of section 1 of this by-law;

2. That where a bridge or bridges situated on road or roads designated for improvement under this by-law are improved or renewed, or where a new bridge is erected on such road or roads or touching on such road or roads the municipal council of the County of Middlesex shall be entitled to receive from the Provincial Legislature out of the fund set apart for improvement of public highways one-third of the cost of such work, whether the liability to construct or maintain such bridge or bridges or any of them belongs to the county or a local municipality or partly to the county and partly to a local municipality. The money so received to be paid to the treasurer of the municipality entitled thereto by the county treasurer on the order of the county commissioner;

3. That the county council shall present to the Provincial Government an annual statement describing the work done and the amount expended on the roads designated for road improvement, together with the affidavit of the treasurer of the municipality by which the moneys were paid, and a certificate of the county commissioner that the regulations of the Public Works Department in regard to highways had been complied with. Upon receipt of such statement by the Provincial Treasurer, certified and approved by the proper officials of the Public Works Department, the municipality of the County of Middlesex shall be entitled to receive from the moneys set apart for public highways an amount equal to one-third of the cost of the work;

4. That this by-law shall not take effect or come into operation until it has been confirmed by the Legislature of Ontario, and an Order-in-Council has been obtained accepting the provisions of this by-law as a sufficient fulfillment of the provisions of the Act passed by the Ontario Legislature in the year 1901, and subsequent amendments made thereto and entitled *An Act for the Improvement of Public Highways*, and under the provisions of the Act confirming this by-law and the Order-in-Council obtained, the municipal council of the County of Middlesex shall be entitled to receive from the fund set apart by the *Act for Improvement of Public Highways* not only one-third of the sums which will be paid under sub-section (4) of section 1 of this by-law, but also one-third of all further expenditures the local municipal councils or the county council may spend upon the roads designated for improvement under the by-laws required by sub-section (1) of section 1 of this by-law. The moneys so received to be paid by the county treasurer to the municipalities entitled thereto on the order of the county commissioner. It being understood that the work done by the said councils must comply with the requirements of the Public Works Department in regard to public highways;

5. That the words "county commissioner," where used in this by-law, shall mean the engineer or commissioner or his assistant in charge of the public works under the county council;



6. That this by-law shall remain in full force and effect until repealed by by-law of the Corporation of the County of Middlesex.

Dated at the Council Chambers in the City of London this 26th day of January, A.D. 1906.

(Signed) N. A. GALBRAITH,  
Warden.

[ SEAL. ]

(Signed) T. E. ROBSON,  
Clerk.

## CHAPTER 78.

## An Act respecting the Town of Midland.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the Corporation of the Town of Midland have by petition represented that By-law No. 609 of the said corporation was duly passed to provide for the construction of a system of sewers on the local improvement plan, and by the said by-law it was enacted that an equal frontage rate of one dollar per foot, payable in forty equal annual instalments, should be levied on the properties fronting or butting the said sewers and upon properties connected with the said sewers whether fronting thereon or not, and the said rate is an equitable rate for that purpose; and whereas the said corporation have by their said petition represented that in the construction of the said sewer system the corporation have expended a large sum in making connections with private properties and the corporation wish to charge the expense of such connections against the property benefited thereby and to extend the payment of the said sums over a period of fifteen years by the owners of such properties as provided for by By-law No. 618; and whereas the said corporation have further represented that during the year 1905 the sum of about \$20,000 was expended by the corporation in the construction of a system of permanent cement sidewalks in the said Town of Midland, which it was originally intended to construct on the local improvement plan, but no by-law was passed for the purpose, and the corporation now desire to complete the said system of walks and to expend a sum not exceeding \$30,000 in all thereon, and to pay for the same by debentures extending over thirty years, to be paid by the municipality at large as provided by By-law No. 619; and whereas the said corporation have prayed that the by-laws set forth in Schedules "A," "B" and "C" to this Act be validated and confirmed for the purposes hereinbefore recited; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-laws Numbers 609, 618 and 619 of the said corporation, as shown in Schedules "A," "B," and "C" to this Act respectively, are ratified and confirmed and declared legal, valid and binding on the said corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-laws, or any of them, or to issue the debentures therein provided for, and notwithstanding any defect in substance, or in form of the said by-laws or debentures, or in the manner of passing, or issuing the same, and the Corporation of the Town of Midland is authorized and empowered to impose the rates and issue the debentures provided for in the said by-laws, and each of them, and the debentures to be issued under the said by-laws, and each of them, are declared legal and binding upon the said municipal corporation; and the said corporation is authorized and empowered to do all acts and things necessary and proper for the full and effectual carrying out of the objects of the said by-laws, and each of them.

By-Laws No.  
609, 618 and 619  
of Town of  
Midland  
confirmed.

#### SCHEDULE "A."

##### BY-LAW NO. 609 OF THE CORPORATION OF THE TOWN OF MIDLAND.

A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the properties fronting or butting on King street from the track of the Grand Trunk Railway Company to Ellen street; Midland avenue, from Bay street to Yonge street; First street and Montgomery street, from Toronto street to Dominion street; Bay street, from King street to Midland avenue; Victoria street, from King street to Midland avenue; Toronto street, from King street to First street; Bay street, from Midland avenue to Queen street; Frederick street, from Dominion street to the Town Park; Dominion avenue, from First street to Third street; Third street, from Dominion avenue to Hugel avenue; Hugel avenue, from First street to Sixth street; Dufferin street and Sixth street, from Hugel avenue to High School.

Whereas upon the recommendation of the Local Board of Health, affirmed by a vote of two-thirds of all the members of this council at a regular meeting thereof, it became desirable and necessary in the public interest to construct sewers on the following streets, namely:— King street, from the track of the Grand Trunk Railway Company to Ellen street; Midland avenue, from Bay street to Yonge street; First street and Montgomery street, from Toronto street to Dominion street; Bay street, from King street to Midland avenue; Victoria street, from King street to Midland avenue; Toronto street, from King street to First street; Dominion avenue, from First street to Third street, for the purpose of draining that locality for sanitary or drainage purposes as a local improvement;

And whereas The Turner Lumber Company and others have petitioned to have a sewer constructed and prolonged along Bay street

street, from Midland avenue to Queen street, which petition is sufficiently signed to comply with the local improvement clauses of *The Municipal Act* in that regard;

And whereas John McDonald and others have petitioned to have a sewer constructed and prolonged along Frederick street, from Dominion street to the Park, which petition is sufficiently signed to comply with the local improvement clauses of *The Municipal Act* in that regard;

And whereas H. J. Craig and others have petitioned to have a sewer constructed and prolonged along Third street, from Dominion avenue to Hugel avenue, which petition is sufficiently signed to comply with the local improvement clause of *The Municipal Act* in that regard;

And whereas W. J. Parkhill and others have petitioned to have a sewer constructed and prolonged along Hugel avenue, from First street to Sixth street, which petition is sufficiently signed to comply with the local improvement clause of *The Municipal Act* in that regard;

And whereas F. W. Jeffery and others have petitioned to have a sewer constructed and prolonged along Dufferin street to Sixth street, from Hugel avenue to the High School, which petition is sufficiently signed to comply with the local improvement clauses of *The Municipal Act* in that regard;

And whereas it has been ascertained and determined that the real property fronting or abutting upon the lines described as follows, that is to say:—

1. Upon the east side of King street, from the track of the Grand Trunk Railway Company to Ellen street, has a frontage of 2,734 feet, and the assessable frontage on the west side of King street between the said limits is 2,365.5 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 5,099.5 feet, more or less, of frontage assessable on both sides of King street between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

2. Upon the east side of Midland avenue, from Bay street to Yonge street, has a frontage of 1,870.8 feet, and the assessable frontage on the west side of Midland avenue between the said limits is 1,856.75 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 3,722.55 feet, more or less, of frontage assessable on both sides of Midland avenue between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

3. Upon the east side of First street and Montgomery street, from Toronto street to Dominion street, has a frontage of 1,319 feet, and the assessable frontage on the west side of First street, between the said limits, is 1,455 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 2,774 feet, more or less, of frontage aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

4. Upon the north side of Bay street, from King street to Midland avenue, has a frontage of 265 feet, and the assessable frontage on the south side of Bay street, between the said limits is 131.5 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 396.5 feet, more or less, of a frontage assessable on both sides of Bay street between the limits aforesaid, which is immediately, directly, equally and especially benefited by the said improvement.

5. Upon the north side of Victoria street, from King street to Midland avenue, has a frontage of 213.5 feet, and the assessable frontage on the south side of Victoria street, between the said limits, is 193 feet, as shown by the statement of frontage liable for



for assessment as fixed by the Court of Revision, making in all 406.5 feet, more or less, of frontage assessable on both sides of Victoria street, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

6. Upon the north side of Toronto street, from King street to First street, has a frontage of 269.5 feet, and the assessable frontage on the south side of Toronto street, between the said limits, is 207 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 476.5 feet, more or less, of frontage assessable on both sides of Toronto street, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

7. Upon the north side of Bay street, from Midland avenue to Queen street has a frontage of 310 feet, and the assessable frontage on the south side of Bay street, between the said limits, is 270 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 580 feet, more or less, of frontage assessable on both sides of Bay street, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

8. Upon the west side of Frederick street, from Dominion street to the Town Park, has a frontage of 660 feet, and the assessable frontage on the east side of Frederick street, between the said limits, is 729 feet, as shown by the statement of frontages liable for assessment as fixed by the Court of Revision, making in all 1,389 feet, more or less, of frontage assessable on both sides of Frederick street, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

9. Upon the north side of Dominion avenue, from First street to Third street, has a frontage of 403.5 feet, and the assessable frontage on the south side of Dominion avenue, between the said limits, is 564 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 967.5 feet, more or less, of frontage assessable on both sides of Dominion avenue, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

10. Upon the east side of Third street, from Dominion avenue to Hugel avenue, has a frontage of 125 feet, and the assessable frontage on the west side of Third street, between the said limits, is 212.5 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 337.5 feet, more or less, of frontage assessable on both sides of Third street, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

11. Upon the north side of Hugel avenue, from First street to Sixth street, has a frontage of 1,650 feet, and the assessable frontage on the south side of Hugel avenue, between the said limits, is 1,610 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 3,260 feet, more or less, of frontage assessable on both sides of Hugel avenue, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

12. Upon the east side of Dufferin street and Sixth street, from Hugel avenue to High School, has a frontage of 700 feet, and the assessable frontage on the west side of Dufferin street, between the said limits, is 800 feet, as shown by the statement of frontage liable for assessment as fixed by the Court of Revision, making in all 1,500 feet, more or less, of frontage assessable on both sides of Dufferin street, between the limits aforesaid, and which is immediately, directly, equally and especially benefited by the said improvement.

And

And whereas the said sewers have been laid and the total cost thereof is the sum of \$44,393.48, of which the corporation disburse the sum of \$23,473.48 and the remaining \$20,920 is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law;

And whereas it will require the sum of \$1,136.86 to be raised annually for a period of forty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest and principal of the said debt according to the Schedule hereto attached marked "a."

And whereas it is provided by By-law No. 592A of this corporation that every owner of the property which is drained into any of the common sewers, and every owner of property in front of which a sewer is constructed as a local improvement, shall pay a uniform frontage tax of one dollar per foot, to be assessed on each assessable foot of frontage property so drained;

And whereas the sum so raised will be sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of \$20,920 within 40 years, which said debt is created on the security of a special rate settled by the said by-law, and on that security only;

And whereas it is expedient to raise the said sum of \$20,920 by debentures of the corporation of the Town of Midland to defray that part of the expense of the said work payable by local special rates;

And whereas at the Court of Revision held in the Council Chamber at Midland on the 5th day of October, 1905, the assessment of \$1.00 per foot frontage and the frontage measurement of all property on the above named streets benefited by the improvement were confirmed, and the property subject to such frontage rate, with the names of the owners is described in Schedule hereto attached marked "b."

Therefore the municipal council of the corporation of the Town of Midland enacts as follows:—

1. During 40 years \$1,136.86 shall be raised for principal and interest together.

2. A special rate of \$1.00 per foot is imposed on each foot of the property described in the Schedule hereto annexed marked "b," so as to produce the sum of \$1,136.86 each year for a period of 40 years, and shall be collected by the collector of taxes as other rates.

3. During 40 years, commencing with 1906, the property described in the Schedule hereto attached marked "B." shall be exempt from general rates for improvements.

4. \$20,920 shall be raised by loan on above special rate, and debentures therefor shall be issued.

5. Debentures shall be payable each year for 40 years after issue, being December, 7th, 1905, and shall bear  $4\frac{1}{2}$  per cent. interest.

6. Debentures may be made payable anywhere, in any currency, and the proceeds thereof shall be used in paying off loans for work, if any.

7. Owners may commute assessments by paying \$1.00 per foot cash on or before the 15th day of January, 1906.

8. Money received from special rate for commutation shall be invested.

9. Debentures shall contain provision of Section 434 of *The Municipal Act*.

10. Debentures shall be subject to consolidation.

11. This by-law to take effect now.

Midland, December 6th, 1905.

D. L. WHITE, JR.,  
Mayor.

THOS. I. TRUEMAN,  
Town clerk.  
*Schedule*

(Seal.)

## Schedule "a."

No.	Principal.	Interest.	Total
1.....	195 46	941 40	1,136 86
2.....	204 26	932 60	1,136 86
3.....	213 45	923 41	1,136 86
4.....	223 06	913 80	1,136 86
5.....	233 09	903 77	1,136 86
6.....	243 57	893 29	1,136 86
7.....	254 53	882 33	1,136 86
8.....	265 99	870 87	1,136 86
9.....	277 96	858 90	1,136 86
10.....	290 46	846 40	1,136 86
11.....	303 54	833 32	1,136 86
12.....	317 20	819 66	1,136 86
13.....	331 47	805 39	1,136 86
14.....	346 39	790 47	1,136 86
15.....	361 97	774 89	1,136 86
16.....	378 26	758 60	1,136 86
17.....	395 29	741 57	1,136 86
18.....	413 07	723 79	1,136 86
19.....	431 66	705 20	1,136 86
20.....	451 09	685 77	1,136 86
21.....	471 39	665 47	1,136 86
22.....	492 60	644 26	1,136 86
23.....	514 77	622 09	1,136 86
24.....	537 93	593 93	1,136 86
25.....	562 14	574 72	1,136 86
26.....	587 44	549 42	1,136 86
27.....	613 88	522 98	1,136 86
28.....	641 50	495 36	1,136 86
29.....	670 36	466 50	1,136 86
30.....	700 53	436 33	1,136 86
31.....	732 05	404 81	1,136 86
32.....	765 00	371 86	1,136 86
33.....	799 42	337 44	1,136 86
34.....	835 40	301 46	1,136 86
35.....	872 99	263 87	1,136 86
36.....	912 28	224 58	1,136 86
37.....	953 33	183 53	1,136 86
38.....	996 25	140 61	1,136 86
39.....	1,041 06	95 80	1,136 86
40.....	1,097 91	48 95	1,136 86
Total .....	20,920 00	24,554 40	45,474 40

## Schedule "b."

## TOWN OF MIDLAND, PROVINCE OF ONTARIO.

Sewer frontage assessments. Sewers constructed on sanitary grounds.

KING STREET—FROM G.T.R. TO ELLEN STREET, EAST SIDE.

Name.	Lot.	Frontage.	Assessable Frontage.
Grand Trunk Railway.....			
Playfair, Preston Co. ....	Block "A"	98	98
Playfair, Preston Co. ....	(Bank)	31 x 51	31
Bay Street .....	.....	66	...
KING			

## KING ST.—Continued.

Name.	Lot.	Frontage.	Assessable Frontage.
Broderick, David .....	10	60 x 100	60
Rogers, William .....	No. part 9	19	19
Stafford, James .....	Part 8 and 9	63	63
Bennett, Wm. H. ....	Part 8 and 7	98	98
Larandeau, Katherine ....	Part 6	40.25	40.25
Macartney, Hy. E. ....	Part 6	21.25 x 60	21.25
Florence Street .....	.....	66	...
Bennett, Wm. H. ....	4 and 5, pt. 3	60 x 106	60
Bennett, Wm. H. ....	.....	60	60
Bennett, W. H. ....	.....	30	30
Larandeau, Katherine ....	Part of 3	30	30
Wilson, John .....	Part of 2	22	22
Little, Roland .....	Part of 2	18	18
Grise, Didos .....	1 and part of 2	81 x 81	81
Victoria Avenue .....	.....	80	...
Gladstane, T. B. J. Est...	1 and 2	65 x 77	65
Gladstane, T. B. J. Est...	.....	40½	40.5
Gladstane, T. B. J. Est...	.....	34½	34.5
Levine, Annie .....	3	66	66
Phillips, Joseph .....	4	66	66
Fraser, John .....	5	66	66
McWaters, J. W. ....	6	66	66
Perrin, William .....	Part 7	50	50
McMurtry, S. F. L. ....	Part 7 and 8	49	49
Phillips, Joseph .....	Part 8 and 9	49.5	49.5
Froats, Gordon .....	Part 9	50 x 165	50
Elizabeth Street .....	.....	66	...
Broderick, David .....	10	66 x 165	66
Piggott, E. H. ....	Part 11	56	56
Barry, Robert .....	Part 11 and 12	49	49
Brown, R. J. ....	Part 12 and 13	62	62
Piggott, William .....	Part 13 and 14	66	66
White, William .....	Part 14, 15, 16	115	115
Akins, Charles E. ....	Part 16 and 17	66	66
Jackel, Adolphus .....	Part 17 and 18	58	58
Elliott, Thos. ....	Part 18	50	50
Anderson, Dugald .....	19	66 x 165	66
Yonge Street .....	.....	66	...
Campbell, Sylvester .....	1 and 2	66 x 165	66
Campbell, Sylvester .....	.....	66	66
Campbell, Adam .....	Part 3	59	59
St. Peter, Cleophas .....	Part 3 and 4	73	73
Jannett, R. ....	5	66	66
Hannah Street .....	.....	66	...
Brown, Robert .....	6	66	66
Bemrose, John .....	7	66	66
Craighead, J. C. ....	8	66	66
McKee, Alex. ....	9	66	66
Hanley, John .....	10	66 x 165	66
Ellen Street .....	.....	66	...
McCracken, Robert .....	11	66 x 165	66

Total on East Side ..... 2,714.0

## KING STREET—FROM G.T.R. TO ELLEN STREET, WEST SIDE.

Name.	Lot.	Frontage.	Assessable Frontage.
Lavery, James .....	C.D.E. and F.	110	110
Craig, H. J. ....	Part C.	25	25
Switzer, Annie .....	B.	33 x 100	33
Toronto Street .....	.....	66	...
Hewis, David .....	18 and 19	108 x 182	108
Moses & Finlayson .....	17	58	58

KING



KING STREET.—*Continued*

Name.	Lot.	Frontage.	Assessable Frontage.
Jeffery, F. W. ....	16	50 x 100	50
Dominion Avenue .....	.....	80	...
Ingram, Alex. ....	15	50 x 172.2	50
McLeod, Christina .....	14	50	50
Wilson, John .....	Part 13	20	20
Wallace, John .....	Part 13	20	20
Wallace, Peter .....	Part 12 and 13	20	20
Hatley, J. J. ....	Part 12	20	20
Ball, James .....	Part 12	20	20
Osborne, A. A. & Co. ....	11	50	50
Nickerson, C. & A. ....	10	50 x 164.5	50
Hugel Avenue .....	.....	80	...
Horrell, J. B. Estate .....	9	50 x 162	50
Peters, William .....	7 and 8	100	100
Morrow, J. R. ....	Part 6	27	27
Jackel, Adolphus .....	Part 6	23	23
Raeburn, Nelson .....	5	25	25
Timmins, R. J. ....	Part 5	25	25
Duncan, Mary .....	4	50	50
Mitchell, David .....	Part 3	22	22
Methodist Church .....	1, 2 and pt. 3	148	148
Lane .....	.....	33	...
Ackerman, D. W. ....	Pt. 1 & 2, N. Mary St.	49	49
Wilson, John .....	Pt. 1 & 2, N. Mary St.	49. x 165	49
Mary Street .....	.....	66	...
Town Hall .....	1	66 x 165	...
Johnston, Rosa .....	2	66	66
Pope Estate .....	3 and 4	132	132
Hinds, Matthew .....	Part 5	44	44
Thornton, Wm. ....	Part 5 and 6	33	33
Courtemanche, Alph. ....	Part 6	56	56
Switzer, Annie .....	7	66	66
Wagg, N. K. ....	8	56 x 165	56
Dominion Street .....	.....	66	...
Fraser, Michael .....	Pt. Block "A"	63 x 165	63
Fraser, Michael .....	Pt. Block "A"	63	63
Fraser, John .....	Pt. Block "A"	126	126
Preston, W. E. ....	Pt. Block "A"	102	102
Chew, George .....	Pt. Block "A"	117.5	117.5
Storey, D. S. ....	Pt. Block "A"	94	94
Letherby, Edwin .....	Pt. Block "A"	95	95
Town Park .....	.....	.....	.....

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Total on west side ..... 2,365

Total on east side ..... 2,714

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Total ..... 5,079

## VICTORIA AVENUE, NORTH SIDE, KING STREET TO MIDLAND AVENUE.

Name.	Lot.	Frontage.	Assessable frontage.
King Street .....	.....	80	...
Gris, Didos .....	.....	81 x 81	...
Grise, Didos .....	1	94½	94½
Lane .....	.....	14	...
McGill, Dr. H. R. ....	Pt. 1 & 2 Mid. Ave.	44	44
Stephens, William .....	"	44	44
Tyndall, Capt. Jas. ....	"	31	31
Jackel, Adolphus .....	"	56.5 x 60	...
.....	.....	.....	213½
Midland Ave. ....	.....	80	...

VICTORIA

## VICTORIA AVENUE, SOUTH SIDE.

Name.	Lot.	Frontage.	Assessable Frontage.
King Street .....	.....	80	...
Gladstane, T. B. J. Est.	1	77 x 65	6
Gladstane, T. B. J. Est...	.....	88	88
Rogers, Samuel .....	"A"	66	66
O'Hare, Michael .....	20	133 x 66	33
			193
Midland Avenue .....		80	
Total north side Victoria Avenue .....		213.5	
Total south side Victoria Avenue .....		193.0	
			406.5

## BAY STREET, NORTH SIDE, FROM KING ST. TO MIDLAND AVE.

Name.	Lot.	Frontage.	Assessable Frontage.
Playfair, Preston Co., Ltd.	Block "A"	51 x 31	} 102
Playfair, Preston Co., Ltd.	.....	151	
G. T. Railway Co. ....	Block "A"	163	163
			265
Midland Avenue .....	.....	80	...

## BAY STREET, SOUTH SIDE, FROM KING STREET TO MIDLAND AVENUE.

Name.	Lot.	Frontage.	Assessable Frontage.
Broderick, David .....	10 King St.	100 x 60	...
Broderick, David .....	10 King St.	76	76
Lane .....	.....	14	...
Broderick, David .....	10 Midland Ave.	175.5 x 60	75.5
			151.5
Midland Avenue .....		80	
Total north side Bay .....		265.0	
Total south side Bay .....		151.5	
			416.5

## MIDLAND AVENUE, EAST SIDE, FROM BAY STREET TO YONGE STREET.

Name.	Lot.	Frontage.	Assessable Frontage.
Bay Street .....	.....	66	...
Rogers, William .....	8	70 x 90	80.0
Timmins, Thos. ....	7	66.7	66.7
Nicklin, H. J. ....	6	66.7	66.7
Melia, Mrs. Robt. ....	Part 5	50	50
Dudley, Wm. ....	Part 5	50 x 175	50
Florence Street .....	.....	66	...
Marshall, William .....	4	66.7 x 175	66.7
Moth, Cyrus .....	Part 3	33	33
McDonald, Dr. F. C. ....	Part 3	33	33
Wilkinson, Dr. Jno. ....	2	66.7	66.7
Raikes, Dr. Richard .....	1	100 x 175	100
Victoria Avenue .....	.....	80	...
Horrell, Digby .....	1	60.3 x 175	60.3
Copeland, Geo. & Sons....	Part 2	30	30
Ruby, H. S. ....	3 & Part 2	90.6	90.6
Ruby, Albert W. ....	4	60.3	60.3
Raikes, Dr. Richard .....	5	60.3	60.3
Elliott, George .....	6	60.3	60.3

MIDLAND

## MIDLAND AVENUE.—Continued.

Name.	Lot.	Frontage.	Assessable Frontage.
Brown, Edward .....	7	60.3	60.3
Davenport, James .....	8	60.3	60.3
Cameron, Elizabeth .....	(9 & 10)	60.3	60.3
Cameron, Elizabeth .....	.....	60.3 x 175	60.3
Elizabeth Street .....	.....	66	...
Baptist Church .....	11	65.2 x 175	65.2
			<hr/>
Broley, Eleanor .....	12	65.5	1,281.0
Vyvyan, Samuel .....	13	65.5	65.5
Nickerson, Emma .....	14	65.2	65.2
Harkley, William .....	15 & 16	130.4	130.4
Duffield, Chas. ....	17	65.2	65.2
McKinley, Mrs. Wm. ....	Part 18	32.6	32.6
Booth, John .....	Part 18 & 19	63.0	63.0
Taylor, Chas. ....	Part 19	36.5	36.5
Hunter, William .....	20	65.2 x 175	65.2
			<hr/>
Yonge Street .....	.....	66	589.1
			<hr/>
Total on east side .....			1,870.1

## MIDLAND AVENUE, WEST SIDE, BAY STREET TO YONGE STREET.

Name.	Lot.	Frontage.	Assessable Frontage.
Bay Street .....	.....	66	...
Broderick, David .....	10	60 x 175.5	60
Rogers, William .....	9	60	60
Broderick, David .....	8	60	60
O'Connor, Mrs. ....	7	60	60
Terry, Simeon .....	6	60 x 175½	60
Florence Street .....	.....	66	...
Lovering, Wm. J. ....	5	60 x 175½	60
Argue, Thomas .....	4	60	60
Davis, Wm. H. ....	3	60	60
Johnston, John .....	Part 2	60	60
Jackel, Adolphus .....	Part 1	60 x 56.5	58.20
Victoria Avenue .....	.....	80	...
O'Hare, Michael .....	20	66 x 133	66
O'Hare, Michael .....	.....	...	...
Copeland, Geo. & Sons. ....	Part 19	54	54
Cameron, Elizabeth .....	Part 19 & 18	68	68
Milligan, Silas A. ....	17	56.5	56.5
McTavish, Wm. ....	16 & pt. 15	74	74
Ellison, John .....	Part 15	40	40
Argue, Samuel .....	Part 14	41	41
Fletcher, Peter .....	Part 14 & 13	72.5	72.5
Stephens, Richard .....	12 & 11	66	66
Stephens, Richard .....	.....	66 x 134	66
Elizabeth Street .....	.....	66	...
Grise, Didos .....	10, 9 & pt. 8	66 x 134	66
Grise, Didos .....	.....	87.5	87.5
			<hr/>
Peters, William .....	Part 8	44	1,355.70
Mosley, Matthew .....	7	65	44
Jackel, Adolphus .....	6	65	65
McGill, George .....	5	65	65
Henry, Thomas .....	3 & 4	130	130
McDonald, J. Colin .....	2	66	66
McDonald, Herman .....	1	66 x 134	66
			<hr/>
			501.0

MIDLAND AVENUE.—*Continued.*

Name.	Lot.	Frontage.	Assessable frontage.
Yonge Street .....	.....	66	...
	.....	...	1,355.7
Total assessment on west side Midland Avenue .....			1,856.7
Total assessment on east side Midland Avenue .....			1,870.1
			3,726.8

## TORONTO STREET, SOUTH SIDE, BAY STREET TO FIRST STREET.

Name.	Lot.	Frontage.	Assessable frontage.
King Street .....	.....	80	...
Hewis, David .....	19	182 x 108	82
Lane .....	.....	14	...
Hill, Frederick .....	Part 1	25	25
Yates, John .....	Part 1	25	25
Ross, A. R. ....	2 and 3	100 x 50	75
			207.
First Street .....	.....	66	...

## TORONTO STREET, NORTH SIDE.

Name.	Lot.	Frontage.	Assessable frontage.
King Street .....	.....	80	...
Switzer, Annie .....	"B" King St.	100 x 33	33½
Lane, Jas. J. ....	.....	14	...
Pratt, David .....	"A" and 1	86	86
Moses, Moses .....	2, 3 and 4	150	150
			269.5
First Street .....	.....	66	...
Total south side .....			207.0
Total north side .....			269.5
			476.5

FIRST STREET AND MONTGOMERY STREET, EAST SIDE, TORONTO STREET  
TO DOMINION STREET.

Name.	Lot.	Frontage.	Assessable frontage.
Toronto Street .....	.....	66	...
Ross, A. R. ....	Part 2 and 3	50 x 100	Tor. St.
Yates, John .....	Part 2 and 3	50	50
Lane .....	.....	14	...
Ingram, Alex. ....	1, 2 & 3 Dominion	100 x 50	75
Dominion Avenue .....	.....	80	...
Hutchinson, James .....	2 & 3, S. Dom. Ave.	143 x 50	96.5
Lane .....	.....	14	...
McCorvie, Neil .....	3 N. Hugel Ave.	143 x 50	96.5
Hugel Avenue .....	.....	80	...
Wallbridge, Dr. F. G. ...	3 S. Hugel Ave.	150 x 100	100
Lane .....	.....	14	...
Jardine, Walter .....	6	50	50
Woods, C. C. ....	5	50	50
Crawford, T. A. ....	4	50	50
Montford, Chas. ....	3	50	50
McDonald, John .....	2	50	50
Timmins, R. J. ....	1	53	53
Lane .....	.....	33	...
Moses, Abraham .....	6 N. Mary St.	98. x 66	82
Mary Street .....	.....	66	...
Webber, Robert .....	15 and 16	66 x 165	66

FIRST



FIRST STREET AND MONTGOMERY STREET.—*Continued.*

Name.	Lot.	Frontage.	Assessable frontage.
Webber, Robert .....	.....	66	66
Graham, Thomas .....	13 and 14	132	132
Bourgeois, Edmund .....	12	66	66
Grextou, Duncan .....	11	66	66
Horrell, J. B. Estate ....	10	66	66
Preston, F. C. ....	Part 9	54	54
Dominion Street .....	.....	66.1	...

Total east side... 1,319

## FIRST STREET AND MONTGOMERY STREET, WEST SIDE.

Name.	Lot.	Frontage.	Assessable frontage.
Toronto Street .....	.....	66	...
Wilson & Humphries .....	4, S. Toronto St.	100 x 50	75
Lane .....	.....	14	...
Humphries, Robert .....	4, N. Dominion Ave.	100 x 51	75½
Dominion Avenue .....	.....	80	...
Wilson, John .....	4, S. Dominion Ave.	83 x 50	66.5
Wilson, John .....	.....	60	60
Lane .....	.....	14	...
Wilson, John .....	.....	143 x 50	96.5
Hugel Avenue .....	.....	80	...
Presbyterian Church .....	4, 5, 6, Hugel Ave.	150 x 90	140
Lane .....	.....	14	...
Morrow, John .....	5 & 6, First St.	100	100
Tremeer, Thomas .....	4	50	50
Gregory, Mrs. ....	3	50	50
Hocken, Henry .....	2	50	50
Simpson, Alex. ....	1	53	53
Lane .....	.....	33	...
Gladstone, Frances .....	7, N. Mary St.	98 x 66	82
Mary Street .....	.....	66	...
Griffith, Alfred .....	1	66 x 165	66
Peters, William .....	2	66	66
Toole, John .....	3	66	66
Murphy, Richard .....	4, 5, 6	198	198
Soden, John Capt. ....	7, 8	66	66
Soden, John Capt. ....	.....	54 x 165	94.5
Dominion Street .....	.....	66	...

556.5

Total on west side ..... 1,455.0

Total on east side ..... 1,319.0

2,774.0

## DOMINION AVENUE, NORTH SIDE, FRONT STREET TO THIRD STREET.

Name.	Lot.	Frontage.	Assessable frontage.
First Street .....	.....	66	...
Humphries, Robert .....	4	51 x 100	...
Foster, Bert .....	Part 5	27	27
McHoull, Howard .....	Part 6	23	23
Craig, H. J. ....	Part 6	50	50
Lane .....	.....	14	...
Nickerson, Charles .....	13 E. 2nd St.	150 x 53½	103½
Second Street .....	.....	80	...
Little, Roland .....	13 W. 2nd St.	150 x 50	100
Lane .....	.....	14	...
Demorest, James .....	13 E. 3rd St.	150 x 50	100
Third Street .....	.....	80	...

403.5

40 s.

DOMINION

## DOMINION AVENUE, SOUTH SIDE, FIRST STREET TO THIRD STREET.

Name.	Lot.	Frontage.	Assessable frontage.
First Street .....	.....	65	...
Wilson, John .....	4	50 x 143	...
Carr, Joseph .....	5	50	50
Batt, Charles .....	6	50	50
Lane .....	.....	14	...
Macartney, H. E. ....	.....	35	35
S. A. Army .....	.....	40	40
Byers, John .....	.....	75 x 100	75
Second Street .....	.....	80	...
Public School .....	9, 10, 11, 12 W. 2nd	} 314	314
Public School .....	9, 10, 11, 12 E. 3rd		
Third Street .....	.....	80	...
Total south side .....	.....	.....	564.0
Total north side .....	.....	.....	403.5
			767.5

## THIRD STREET, EAST SIDE, DOMINION AVENUE TO HUGEL AVENUE.

Name.	Lot.	Frontage.	Assessable frontage.
Dominion Avenue .....	.....	80	...
Public School .....	9, 10, 11, 12 E. 3rd St.	200 x 314	100
Taylor, Mary .....	7, 8 E. 2nd St.	100 x 50	25
Hugel Avenue .....	.....	80	...
			125

## THIRD STREET, WEST SIDE, DOMINION AVENUE TO HUGEL AVENUE.

Name.	Lot.	Frontage.	Assessable frontage.
Dominion Avenue .....	.....	80	...
Dobson, Jane .....	11, 12	50 x 150	50
Dobson, Jane .....	.....	50	50
Lethbridge, Jas. ....	10	50	50
Rounthwaite, F. C. ....	9	50	50
Craig, H.J. ....	7, 8	100 x 75	12½
Hugel Avenue .....	.....	80	...
			212.5
Total on east side .....	.....	.....	125.0
Total on west side .....	.....	.....	212.5
Total .....	.....	.....	337.5

WILLIS CHIPMAN,  
Engineer.

## TOWN OF MIDLAND, PROVINCE OF ONTARIO.

Sewer frontage assessments on sewers petitioned for.

## BAY STREET, FROM MIDLAND AVENUE TO QUEEN STREET.

Name.	Lot.	Assessable Frontage. frontage.
North Side—		
Midland Avenue .....	.....	80
Pratt, D. S. ....	1, 2, 3, 4, 5 Bay St.	175 x 60 135
Pratt, D. S. ....	.....	75 75
Turner Lumber Co. ....	6 & 7	100 100
		<hr/> 310
Queen Street .....	.....	66
South Side—		
Midland Avenue .....	.....	80
Rogers, William .....	Part 8 Mid. Ave.	90 x 70 10
Rogers, William .....	"	42 42
Smith, George .....	"	43 43
Rich, Emma .....	"	32 32
McDougall, Archi. ....	Part 8 Queen St.	73 73
Smith, Franklin S. ....	"	70 70
		<hr/> 270
Queen Street .....	.....	66
Total north side .....		310
Total south side .....		270
		<hr/> 580

## FREDERICK STREET, EAST SIDE, DOMINION STREET TO PARK.

Name.	Lot.	Assessable Frontage. frontage.
Dominion Street .....	.....	66
McCallum, F. J. ....	Part 1, 2, E. Frederick	102 102
Roebuck, Benjamin .....	Part 1 & 2	132 x 66
Fusee, Wm. H. ....	3	66 66
McDonald, John .....	4 & 5	132 132
Marshall, George .....	6 & 7	132 132
Sturgeon, Joseph .....	8	66 66
Laidlaw, Allan .....	9	66 66
Craig, Albert .....	10	66 66
		<hr/> 729

Town Park .....

## FREDERICK STREET, WEST SIDE, DOMINION STREET TO PARK.

Name.	Lot.	Assessable Frontage. frontage.
Dominion Street .....	.....	66
Tyndall, Capt. Jas. ....	20	66 x 165 66
Bourrie, Appolonaire ....	19	66 66
Crosson, Abraham .....	18	66 66
Fusee, Charles .....	17	66 66
Duffet, A. H. ....	Part 16	40 40
Stamp, John .....	Part 16 & 15	92 92
Wallace & Cook .....	14	66 66
Dobson, George .....	Part 13	33 33
Laidlaw, Allan .....	Part 13	33 33
English, Charles .....	12	66 66
McMurty, S. F. L. ....	11	66 66
		<hr/> 660

FREDERICK

FREDERICK STREET.—*Continued.*

Name.	Lot.	Frontage.	Assessable frontage.
Town Park .....			
Total for east side .....		729	
Total for west side .....		660	
		<hr/>	
		1,389	

## HUGEL AVENUE, SOUTH SIDE, FIRST STREET TO SIXTH STREET.

Name.	Lot.	Frontage.	Assessable frontage.
First Street .....		66	...
Presbyterian Church .....	4, 5, 6	150 x 90	...
Presbyterian Church .....		60	60
Lane .....		14	...
O'Hare, Michael .....	7 and part 8	75	75
Hill, Joshua .....	Part 8 and 9	75 x 150	75
Second Street .....		80	...
Wallace, John M. ....	10 and 11	50 x 150	50
Wallace, John M. ....		50	50
Nottingham, Thos. ....	12	50	50
Lane .....		14	...
R. C. Church .....	13, 14, 15 and 5, 6		
	E. 3rd St.	75	75
R. C. Church .....		75 x 150	75
Third Street .....		80	...
Irwin, Robert .....	16, 17, 18	75 x 150	75
Irwin, Robert .....		75	75
Lane .....		14	...
Moses, Moses .....	19 and part 20	60	60
Switzer, Annie .....	20 and 21	90 x 150	90
Fourth Street .....		66	...
Simpson, John and Jas..	22, 23	50 x 150	50
Simpson, John and Jas..		50	50
Cunningham, Jos. ....	24	50	50
Smith, Chas. E. ....	25 and part 26	75	75
Peters, William .....	pt. 26, 27, 28, 29	175	175
Fifth Street .....		66	...
Horrell, J. B. Estate ...	30, 31, 32, 33	200	200
Jeffery, F. W. ....	34, 35, 36, 37 Hugel		
	& 2 to 6 E. 6th St.	50 x 200	50
Jeffery, F. W. ....		100	100
Jeffery, F. W. ....		50 x 200	50
Sixth Street .....		66	...
Total, south side .....			1,610

## HUGEL AVENUE, NORTH SIDE, FIRST STREET TO SIXTH STREET.

Name.	Lot.	Frontage.	Assessable frontage.
First Street .....		66	...
Wilson, John .....	4	50 x 143	...
Broley, Eleanor .....	5	50	50
Mullin, James .....	6	50	50
Lane .....		14	...
Stokes, R. O. ....	Part 7, 8, 2nd St.	75	75
Hood, Dr. D. ....	Part 7, 8, 2nd St.	75 x 100	75
Second Street .....		80	...
Spooner, William .....	7, W. 2nd St.	94 x 100	94
Spooner, William .....		70	56
Taylor, Mrs. Mary .....	7, E. 3rd St.	100	100
Taylor, Mrs. Mary .....		50 x 100	50
Third Street .....		80	...
Craig, H. J. ....	7 & 8, W. 3rd St.	75 x 100	75
Craig, H. J. ....		75	75

HUGEL



HUGEL STREET.—*Continued.*

Name.	Lot.	Frontage.	Assessable frontage.
Lane .....	.....	14	...
Munro, John .....	19	50	50
McDowell, F. C. ....	20	50	50
Lamb, George .....	21	50 x 150	50
Fourth Street .....	.....	66	...
Macartney, H. E. ....	22, 23, 24	50 x 150	50
Macartney, W. E. ....	.....	100	100
Finlayson, William .....	25, 26	100	100
Parkhill, W. J. ....	27, 28, 29	100	100
Parkhill, W. J. ....	.....	50 x 150	50
Parkhill, W. J. ....	.....	...	...
Fifth Street .....	.....	66	...
Kelman, J. L. ....	30, 31	50 x 150	50
.....	.....	50	50
Potvin, Peter .....	32, 33, 34, 35, 36, 37	250	250
Potvin, Peter .....	.....	50 x 150	50
Sixth Street .....	.....	66	...
Total on north side .....			1,650
Total on south side .....			1,610

3,260

## DUFFERIN AND SIXTH STREETS, EAST SIDE, HUGEL AVENUE TO HIGH SCHOOL.

Name.	Lot.	Frontage.	Assessable frontage.
Hugel Avenue .....	.....	80	...
Jeffrey, F. W. ....	37 S. Hugel & 2 to 6 Sixth St.	200 x 50	100
Jeffrey, F. W. ....	.....	250	250
Weston, F. R. ....	1 E. Sixth St. & 4 to 10 Dufferin St.	350	350
Opposite New High School	.....	...	...

700

## DUFFERIN AND SIXTH STREETS, WEST SIDE, HUGEL AVENUE TO HIGH SCHOOL.

Name.	Lot.	Frontage.	Assessable frontage.
Hugel Avenue .....	.....	80	...
McElroy, John .....	38 S. Hugel	200 x 200	200
Leithwood, John .....	6 W. 6th St.	50	50
Simpson, Earnstein .....	1 to 5 W. 6th St.	234	234
High School .....	4 to 10 W. Dufferin St.	316	316
Opposite New High School	.....	...	...

800

Total on east side ..... 700  
Total on west side ..... 800

1,500

WILLIS CHIPMAN,  
Engineer.

## SCHEDULE "B."

## BY-LAW No. 618.

A By-law respecting the payment of certain sewer connections.

Whereas the corporation of the Town of Midland constructed a sewer system in the said town during the years 1904 and 1905;

And

And whereas in connection with the said sewer system certain connections were made between the said sewer and the private properties fronting or butting on the streets drained by the said sewers, and the expenses in connection with the said sewer connections were paid by the corporation of the Town of Midland, but it was intended that the said sewer connections should be paid for by the properties fronting thereon and benefited thereby;

Now therefore the municipal council of the Town of Midland enacts as follows:—

1. The expenses incurred by the corporation of the Town of Midland in making the sewer connections during the years 1904 and 1905 shall be borne by the property benefited thereby, and shall be payable by a special rate spread over a period of fifteen years with interest calculated at four and a half per cent.

2. There shall be a special rate imposed and levied under the provisions of this by-law for the expense of sewer connections, and the same shall form a lien and charge upon the real estate upon or in respect of which the said sewer connections have been made, and the said rate shall be imposed for a period of fifteen years, commencing in the year 1906, and shall be collected in the same manner and at the same time and with like remedies as ordinary taxes as upon real estate are collectable under the provisions of *The Municipal Act* and *The Assessment Act*.

3. The several properties set out in Schedule "a" hereto shall be charged with the several amounts set opposite such respective properties as the total amount of the expense incurred in making the sewer connections with the said properties, and there shall be payable in respect of such properties the annual amount set opposite such property for the period of fifteen years, commencing in the year 1906, which said annual payment shall be a special rate imposed, levied and collected against the said property for the purpose of paying for the said sewer connection, and such rate imposed, levied and collected against the said property for charge and lien upon the real estate mentioned in the said schedule.

4. It shall be the duty of the clerk, treasurer and collector of the Town of Midland during the years 1906 and the fourteen succeeding years, to collect a special rate against the said properties mentioned in the said schedule of the annual payment set opposite the said property, and the said annual payment shall be charged, levied and collected at the same time, and in the same manner, as the ordinary taxes of the Town of Midland, and shall form a special fund for the purpose of paying the expenses incurred in connection with making the said sewer connections.

5. This by-law shall not come into force or be of any effect whatsoever until after the municipal council of the Town of Midland shall be empowered and authorized to pass the same, and until the said by-law shall have been declared valid and binding upon the said municipality by an Act of the Legislative Assembly of the Province of Ontario.

6. Subject to the provisions of the fourth paragraph hereof, this by-law shall take effect on, from and after the day upon which any Act of the said Legislative Assembly, declaring this by-law binding and valid upon the said municipality, shall come into force.

Dated this 21st day of March, A.D. 1906.

W. FINLAYSON,

Mayor.

(Seal.)

THOS. I. TRUEMAN,

Clerk.

## Schedule "a."

## KING STREET SEWER CONNECTIONS.

Lot.	Street.	Total cost	Owner.	Annual payment.
A.	E. King	\$117 44	Playfair, Preston Co.....	\$10 96
9	N. King	29 97	J. B. Horrell & Son ...	2 79
15	W. King	38 48	Alex. Ingram .....	3 59
B.	W. King	30 40	Mrs. Switzer .....	2 84
19	W. King	30 49	D. Hewis .....	2 85
14	W. King	31 08	Miss McLeod .....	2 90
part 12	W. King	33 03	T. J. Campbell .....	3 08
11	W. King	9 94	A. A. Osborne & Co. ...	93
Cor. 8	W. King	28 68	L. K. Wagg .....	2 68
Do- 6	W. King	38 91	A. Courtemanche .....	3 63
min- 7	W. King	30 85	Mrs. A. Switzer .....	2 88
ion 7	W. King	26 82	Mrs. A. Switzer .....	2 50
part C D E F	W. King	39 84	J. Lavery .....	3 72
part 5 & 6	W. King	30 27	Wm. Thornton .....	2 83
part 5	W. King	28 72	M. Hines .....	2 68
part A.	W. King	89 24	W. E. Preston .....	8 33
lot 11	E. King	16 16	John Hanley .....	1 50
part C D E F	W. King	10 36	James Lavery .....	96
lot 10 p'n 166	E. King	8 10	D. Broderick .....	75
3	E. King	33 54	Mrs. A. Lavine .....	3 13
10	W. King	33 72	Chas. Nickerson .....	3 13
part 12	W. King	25 94	J. J. Hatley .....	2 42
1 & 2	E. King	45 00	Gladstane Estate .....	4 20
17	W. King	15 79	Moses & Finlayson ...	1 47
part 1	E. King	52 19	N. Laurandeau .....	4 84
2	E. King	33 95	R. Little .....	3 13
8	W. King	37 47	Wm. Peters .....	3 50
7	W. King	28 53	Wm. Peters .....	2 68
part 6	W. King	18 35	A. Jackel .....	1 71
5	W. King	37 54	N. Reaburn .....	3 50
4	W. King	25 59	M. Duncan .....	2 39
part 3	W. King	21 54	D. Mitchell .....	2 01
1, 2&3	W. King	13 49	Methodist Church .....	1 26
part 1 & 2	N. Mary	23 41	D. W. Ackerman .....	2 18
s half 1	N. Mary	23 29	John Wilson .....	2 18
1	W. King	31 08	Fire Hall .....	2 90
2	W. King	21 68	Mrs. R. Johnston .....	2 02
3	W. King	25 13	R. Pope Estate .....	2 35
4	W. King	27 95	R. Pope Estate .....	2 61
12 & 13	W. King	34 35	Peter Wallace .....	3 21
part 13	W. King	31 87	John Wallace .....	2 97
part 13	W. King	29 97	John Wilson .....	2 80
lot 2	E. King	34 72	John Wilson .....	3 23
5	E. King	24 33	John Fraser .....	2 29
6	E. King	23 59	John McWater .....	2 20
7	E. King	23 45	Wm. Perrin .....	2 20
7 & 8	E. King	25 87	Frank McMurtry .....	2 41
4	E. King	31 24	Jos. Phillips .....	2 92
9	E. King	29 21	Frank McMurtry .....	2 73
10	E. King	32 09	D. Broderick .....	2 99
11	E. King	29 50	E. H. Piggott .....	2 75
11 & 12	E. King	52 55	Robt. Barry .....	4 90
part 12	E. King	25 71	R. J. Brown .....	2 40
13 & 14	E. King	21 57	Wm. Piggott .....	2 02
part 14 & 15	E. King	20 74	Wm. White .....	1 94
part 16 & 17	E. King	27 82	C. Akins .....	2 60
17 & 18	E. King	42 51	Adolphus Jackel .....	3 97
part 18	E. King	28 32	Thos. Elliott .....	2 67
19	E. King	26 44	Doug. Anderson .....	2 47
part 6	W. King	18 35	J. R. Morrow .....	1 72
1 & 2	E. King	22 91	Syl. Campbell .....	2 41
3	E. King	26 90	Adam Campbell .....	2 51
3 & 4	E. King	23 99	C. St. Peter .....	2 24

KING

KING STREET SEWER CONNECTIONS.—*Continued.*

Lot.	Street.	Total cost	Owner.	Annual payment.
5	E. King	25 93	Rich. Jennett .....	2 41
6	E. King	22 95	Robt. Brown .....	2 14
7	E. King	21 64	Jno. Bemrose .....	2 02
8	E. King	22 57	T. Craighead .....	2 11
9	E. King	23 56	Alex. McKee .....	2 20
11	E. King	64 15	Robt. McCracken ....	5 99
block A	W. King	28 99	Ed. Letherby .....	2 71
part A	W. King	77 31	D. S. Storey .....	7 22
A	W. King	26 83	Geo. Chew .....	2 50
A	W. King	25 88	Jno. Fraser .....	2 69
A	W. King	25 04	Michael Fraser .....	3 34
lot 4 & 5	E. King	29 39	W. H. Bennett .....	2 74
4 & 5	E. King	36 41	W. H. Bennett .....	3 40
part 3	E. King	34 92	Nap. Laurandean .....	3 26
part 7 & 8	E. King	38 91	W. H. Bennett .....	3 63
9	E. King	29 35	Wm. Rogers .....	2 74
part 8 & 9	E. King	32 52	Jas. Stafford .....	3 04
16	W. King	60 00	F. W. Jeffery .....	5 60
part 6	E. King	1 64	H. E. Macartney .....	15
block	W. King	23 62	M. Fraser .....	2 20

## MIDLAND AVENUE SEWER CONNECTIONS.

20	E. Midland	27 40	Wm. Hunter .....	2 56
part 19	E. Midland	30 30	Chas. Taylor .....	2 83
part 19, 18	E. Midland	28 93	John Booth .....	2 70
n. ½ 18	E. Midland	26 82	Mrs. Wm. McKinley ...	2 50
17	E. Midland	33 54	C. E. Duffield .....	3 13
15 & 16	E. Midland	32 45	Wm. Hartley .....	3 03
14	E. Midland	32 14	Miss E. Nickerson .....	3 03
13	E. Midland	36 15	S. Vivian .....	3 37
12	E. Midland	36 00	Mrs. E. Broley .....	3 37
s. part 8	W. Midland	30 51	Wm. Peters .....	2 83
7	W. Midland	27 12	M. Mosley .....	2 53
2	W. Midland	42 51	J. C. McDonald .....	3 97
1	W. Midland	30 31	H. McDonald .....	2 83
3 & 4	W. Midland	29 13	Thos. Henry .....	3 03
6	W. Midland	25 90	A. Jackel .....	2 42
8,9&10	W. Midland	25 88	D. Grise .....	2 42
5	W. Midland	29 09	G. McGill .....	2 72
7	W. Midland	24 20	Mrs. O'Connor .....	2 26
6	W. Midland	35 89	Sim Terry .....	3 35
8	W. Midland	22 55	D. Broderick .....	2 10
part 5	E. Midland	27 02	Wm. Dudley .....	2 52
7	E. Midland	32 82	T. Timmons .....	3 06
6	E. Midland	25 60	J. A. Nicklin .....	2 39
5	W. Midland	30 27	W. J. Lovering .....	2 83
4	E. Midland			
1	E. Midland			
4	W. Midland	30 44	Thos. Argue .....	2 84
3	W. Midland	27 15	Wm. H. Davis .....	2 53
part 5	E. Midland	24 48	Mrs. Robt. Melia .....	2 28
2	W. Midland	30 02	John Johnston .....	2 82
part 1	W. Midland	29 06	A. Jackel .....	2 72
3	E. Midland	43 40	Dr. McDonald .....	4 05
2	E. Midland	29 35	J. Wilkinson .....	2 73
part 3	E. Midland	28 26	Cyrus Moth .....	2 64
19	W. Midland	50 33	G. Copeland & Son ...	4 70
part 18 & 19	W. Midland	24 88	Mrs. E. Cameron .....	2 32
17	W. Midland	26 27	S. Milligan .....	2 45
part 15 & 16	W. Midland	27 43	Wm. McTavish .....	2 56
part 15	W. Midland	25 08	John Ellison .....	2 34
part 14	W. Midland	21 82	S. Argue .....	2 05



MIDLAND AVENUE SEWER CONNECTIONS.—*Continued.*

Lot.	Street.	Total cost	Owner.	Annual payment.
part 13 & 14	W. Midland	24 19	P. Fletcher .....	2 26
11 & 12	W. Midland	28 36	Rich. Stephens .....	2 65
8	E. Midland	25 73	Jas. Davenport .....	2 40
7	E. Midland	20 74	Ed. Brown .....	1 94
6	E. Midland	29 32	Geo. Elliott .....	2 73
5	E. Midland	28 23	Dr. R. Raikes .....	2 64
4	E. Midland	55 37	Albert Ruby .....	5 17
3 & 2	E. Midland	26 96	H. S. Ruby .....	2 51
1	E. Midland	8 15	Digby Horrell .....	79

## FIRST STREET SEWER CONNECTIONS.

5 & 6	W. First	42 97	John Morrow .....	4 01
4	W. First	37 10	Thomas Tremeer .....	3 46
4	W. First	28 93	Thomas Tremeer .....	2 70
2	W. First	29 36	Henry Hocken .....	2 74
1	E. First	25 71	R. J. Timmins .....	2 40
3	W. First	21 75	Mrs. Gregory .....	2 03
15 & 16	E. Montgomery	24 99	R. Webber .....	2 33
12	E. Montgomery	35 65	E. Bourgeois .....	3 33
3	E. First	11 90	Dr. F. G. Wallbridge...	1 11

## BAY STREET SEWER CONNECTIONS.

1, 2, 3, 4 & 5	S. Bay	22 95	Wm. Rogers .....	2 14
part 8	N. Bay	34 90	D. S. Pratt .....	3 26
10	Queen, S. Bay	17 19	Frank Smith .....	1 60
10	King, S. Bay	29 85	D. Broderick .....	2 79
10	King, S. Bay	27 80	D. Broderick .....	2 59
6 & 7	N. Bay	134 56	Turner Lumber Co. ...	12 56

## HUGEL AVENUE SEWER CONNECTIONS.

part 7 & 8	N. Hugel	102 25	Dr. D. Hood .....	9 54
7 & 8	N. Hugel	41 36	M. O'Hare .....	3 86
4, 5, 6	S. Hugel	39 71	Presbyterian C .....	3 71
19, 20	S. Hugel	30 43	M. Moses .....	2 87
22, 23, 24	N. Hugel	42 98	H. E. Macartney .....	4 01
25, 26	S. Hugel	56 75	Chas. Smith .....	5 30
25, 26	N. Hugel	37 01	W. Finlayson .....	3 45
30, 31, 32, 33	S. Hugel	45 95	Mrs. J. B. Horrell .....	4 29
38, 39, 40	N. Hugel	57 93	C. L. Malby .....	5 41
12	S. Hugel	55 70	T. Nottingham .....	5 19
10, 11	S. Hugel	60 26	J. M. Wallace .....	5 62

## DOMINION AVENUE SEWER CONNECTIONS.

13	N. Dominion	30 34	James Demorest .....	2 87
6	N. Dominion	90 07	H. J. Craig .....	8 41
5	S. Dominion	55 55	Jos. Carr .....	5 18

## THIRD STREET SEWER CONNECTIONS.

7 & 8	E. Third	32 74	Mrs. Mary Taylor .....	3 06
7	W. Third	39 94	H. J. Craig .....	3 73

## DUFFERIN STREET SEWER CONNECTIONS.

1, 2, 3, 4 & 5	W. Dufferin	24 93	E. Simpson .....	2 33
4 to 10	W. Dufferin	138 43	High School .....	12 92

## VICTORIA STREET SEWER CONNECTIONS.

part 1 & 2	N. Victoria	29 62	Wm. Stephens .....	2 76
part 1 & 2	N. Victoria	29 62	Jas. Tindall .....	2 76
part 1 & 2	N. Victoria	72 99	Dr. McGill .....	6 81
1	N. Victoria	40 16	D. Grise .....	3 75

VICTORIA STREET SEWER CONNECTIONS.—*Continued.*

Lot.	Street.	Total cost	Owner.	Annual payment.
1	S. Victoria	47 99	Gladstane Estate .....	4 48
A	S. Victoria	38 56	S. Rogers .....	3 60
20	S. Victoria	26 91	M. O'Hare .....	2 51
1	N. Victoria	86 82	D. L. White, Jr. ....	8 10
1	N. Victoria	81 81	J. B. Hanly .....	7 46

## FREDERICK STREET SEWER CONNECTIONS.

Lot.	Street.	Total cost	Owner.	Annual payment.
part 15, 16	W. Frederick	37 97	John Stamp .....	3 55
1 & 2	E. Frederick	29 51	Ben Roebuck .....	2 75
17	W. Frederick	43 82	Chas. Fusee .....	4 09
part 13	W. Frederick	17 07	Geo. Dobson .....	1 69
14	W. Frederick	53 30	Wallace & Cook .....	4 97
part 13	W. Frederick	34 24	A. Laidlaw .....	3 20

## SCHEDULE "C."

## BY-LAW NO. 619 OF THE CORPORATION OF THE TOWN OF MIDLAND.

A By-law to authorize the corporation of the Town of Midland to issue debentures to the amount of thirty thousand dollars for the purpose of constructing permanent cement sidewalks in the Town of Midland, which indebtedness is, in part, represented by an overdraft in the Western Bank of Canada.

Whereas the said corporation desires to complete the said system of sidewalks and to expend in all the sum of thirty thousand dollars on the said sidewalks;

And whereas the said corporation desires to provide for the payment of the said sum as a general debt out of the funds of the municipality, and not on the local improvement plan;

And whereas it is necessary for such purpose to raise the sum of thirty thousand dollars by the issue of debentures of the said municipality, and to spread the payment thereof over a period of thirty years;

And whereas in order to raise the said sum of thirty thousand dollars it will be necessary to issue debentures for the said sum of thirty thousand dollars as hereinafter provided, which is the amount of the debt intended to be created by this by-law, the proceeds of the said debentures to be applied for the purpose of paying the present indebtedness incurred as aforesaid, and for the completion of the said sidewalks, and no other purpose;

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of thirty years, being the currency of the said debentures; the said yearly sum being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period of thirty years;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,841.75:

And whereas the whole amount of the whole rateable property of the Town of Midland, according to the last revised assessment roll thereof, is the sum of \$1,113,987.00:

And

And whereas the amount of the existing debenture debt of the said municipality is \$250,543.63, whereof no part either for principal or interest, is in arrear;

Therefore the municipal council of the Town of Midland enacts as follows:—

1. That for the purpose of raising the sum of thirty thousand dollars, debentures of the said Town of Midland amounting to the sum of \$30,000.00, as aforesaid, in the sum of \$1,841.75 each, which shall be issued on the fifteenth day of September, A.D. 1906, payable one each on the fifteenth day of September in the years 1907 to 1936, inclusive, at the office of the treasurer of the Town of Midland, without interest, the interest on the said loan, calculated at the rate of four and one-half per cent. per annum, being already included in the amount of the said debentures.

2. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed, to sign and issue the said debentures hereby authorized to be issued, and to cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. That during the currency of the said debentures there shall be raised annually by special rate on all the rateable property of the Town of Midland the sum of \$1,841.75 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

4. This by-law shall not come into force or be of any effect whatsoever until after the municipal council of the Town of Midland shall be empowered and authorized to pass the same, and until the said by-law shall have been declared valid and binding upon the said municipality by an Act of the Legislative Assembly of the Province of Ontario.

5. Subject to the provisions of the fourth paragraph hereof this by-law shall take effect on, from and after the day upon which any Act of the said Legislative Assembly declaring this by-law valid and binding upon the said municipality shall come into force.

Dated this 21st day of March, A.D. 1906.

W. FINLAYSON,

Mayor.

(Seal.)

THOS. I. TRUEMAN.

Clerk.

## CHAPTER 79.

## An Act respecting the Township of Mountain.

*Assented to 14th May, 1906.*

## Preamble

WHEREAS the Corporation of the Township of Mountain, in the County of Dundas, has by its petition represented that the Township was originally surveyed in or about the year 1798; that the said Township was surveyed into lots containing two hundred and four acres net each; that said lots have been patented as two hundred acres net each; that in the said original survey of the said Township, an allowance for road of one chain in width was left on the south side of each alternate concession line only, commencing with the first concession; that, until lately, the said Corporation always understood and believed that an allowance for road of one chain in width had been left on the south side of each concession line in the said Township, by the said original survey; that, under these circumstances, and acting in good faith, they caused to be opened up and constructed public highways on portions of what they so believed to be road allowances, but which were not road allowances by the said original survey; that it is of importance to the inhabitants of said Township that allowances for roads on the south side of all the said concession lines should exist beyond all doubt or question, and that the said Corporation should be freed from all apprehension of legal proceedings being taken against them for causing the said public highways to be opened up and improved; that, unless the said highways be opened up throughout their entire length, many settlers in said Township will be without any public highway or allowance for road to reach their lands, and such portions of said highways as have been opened up may be closed by the owners of the adjoining lands and very great trouble and inconvenience occasioned to the inhabitants of said Township and the council thereof; and whereas the said Corporation has prayed that an Act may be passed enacting that in the said Township there shall be an allowance for road, one chain in width, left upon the south side of each of said concession lines where no allowance for road

was



was so left by the said original survey; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the Township of Mountain, in the County of Dundas, there is hereby reserved and established an allowance for road of one chain in width upon the south side of each of the concession lines in the said original survey of the said Township, lying and being between the first and second, third and fourth, fifth and sixth, seventh and eighth, ninth and tenth, and eleventh and twelfth concessions of said township. Road allowances on certain concession lines.

2. The said Corporation shall make compensation to the owners of the lands adjacent to or constituting such roads as shall be opened under the provisions of this Act, for so much land only so taken for said road allowances as may in any case reduce the area of the lot from which the land is taken, to less than two hundred acres or below the basis of two hundred acres for each original full lot, and to the extent only of such reduction; and the said Corporation shall also make compensation in all cases for all improvements made by any one before the passing of this Act, upon the roads hereby provided for; the amount of such compensation, if not mutually agreed upon, to be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1903*. Compensation to owners of adjacent lands.

3. The costs of all such measurements as shall be necessary to determine the area mentioned in the preceding section hereof shall be paid by the said Corporation. Cost of measurements.

## CHAPTER 80.

An Act to confirm By-law number 718 of the Town of Napanee.

*Assented to 27th April, 1906.*

## Preamble.

WHEREAS the Corporation of the Town of Napanee has by petition represented that pursuant to the provisions of chapter 60 of the Acts passed in the fifth year of the reign of His Majesty King Edward VII, the council of said town, on the 7th day of July, A.D. 1905, submitted to a vote of the duly qualified electors, by-law No. 718 of the said town, intituled "A by-law to authorize the construction and installation of an Electric Light Plant, and the purchase of the necessary land, and the erection of the necessary buildings therefor, and to provide for the issue of debentures of the said town to the amount of \$35,000, and to raise the sum required therefor," when out of four hundred and ninety ratepayers entitled to vote thereon two hundred and fifty-four voted for said by-law and twenty-seven against it; that on the 24th day of July the said by-law was finally passed and thereafter was duly registered as required by law; that in pursuance of said by-law the corporation of the said town has purchased the necessary land and erected thereon, a power house, and has purchased and erected upon the streets of said town the poles necessary for carrying the wires in connection with the proposed electric light system; that on the 2nd day of October, A.D. 1905, a motion to quash the said by-law was made in the High Court of Justice by Alfred Knight, Manager of the Napanee Water & Electric Light Company, upon the grounds that no time was appointed by the council for finally considering and passing said by-law, and that no notice thereof was published for one month in any newspaper in the municipality, as required by section 569 of *The Consolidated Municipal Act, 1903*, which motion was dismissed on the 27th day of November, A.D. 1905, without costs; that on the 30th day of October, A.D. 1905, a motion to quash the said by-law

was

was made in the High Court of Justice by Sir Richard J. Cartwright, proprietor of the Napanee Gas Company, upon the same grounds and upon the further ground that said by-law had not been published for one month in any newspaper in said municipality, which motion was dismissed on the 27th day of November, A.D. 1905, without costs; that the said Alfred Knight and Sir Richard J. Cartwright have appealed against said judgments to the Court of Appeal for the Province of Ontario, which said appeals are now pending; that the said section of *The Consolidated Municipal Act, 1903*, required the publication of the by-law for one month in some newspaper published in the municipality, and the said by-law was published once a week for four weeks during the month of June, that is to say, on the 2nd, 9th, 16th and 23rd, in the Napanee "Beaver" and the Napanee "Express," two weekly newspapers published in the said town, but owing to an inadvertence, the fifth publication was omitted; that in the opinion of the learned Judge who heard the said applications, the result was not affected by the omission, nor did the said applicants suffer any prejudice thereby; that the said Judge held that the failure to give notice of a day for finally considering and passing the said by-law was immaterial; that the said Judge further found that the said applications were not really made in the interests of the ratepayers, but in the interest of the companies with which the applicants were connected, and which would be obliged to carry on business in competition with the works provided for by the said by-law; that pending the disposal of the said appeal, the said corporation is unable to proceed with the said works, or to provide the inhabitants of the town with electric light, or to light the streets thereof, that if the said by-law should be quashed as a result of the said appeal, great inconvenience and loss would be caused to the inhabitants of the said town, and the object of the said Act passed in the fifth year of His Majesty's reign would be defeated and delayed, and the council of said town would be compelled to commence anew proceedings for passing a by-law in similar terms to the one so quashed; that it is in the interests of the said town that an Act should be passed to legalize and confirm the said by-law and to authorize the issue and sale of debentures as provided in said by-law; and whereas the said Corporation of the Town of Napanee, has by the said petition prayed that an Act may be passed to legalize and confirm the said by-law and to authorize the issue and sale of debentures as provided therein in said by-law; and whereas it is expedient to grant the prayer of said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 718  
of town of  
Napanee,  
confirmed.

1. By-law No. 718 of the Corporation of the Town of Napanee, set forth in Schedule "A" to this Act is confirmed and declared to be legal, valid and binding on the Municipal Corporation of the Town of Napanee and the ratepayers thereof, notwithstanding any defect or error in substance or form of the said by-law, or in any proceeding relating thereto, or in the manner of passing the same, and the said Corporation of the Town of Napanee may issue and sell debentures in accordance with the said by-law, and may do all necessary acts for the full and proper carrying out of the said by-law.

Costs of appeal  
not to be  
affected.

2. Nothing in this Act contained shall affect the costs of any appeal now pending, but the same shall be in the discretion of the court, and may be determined and awarded in the same manner as if this Act had not been passed.

#### SCHEDULE "A."

##### By-Law No. 718.

Passed on the 24th day of July. A.D. 1905.

A by-law to authorize the construction and installation by the town of Napanee of an electric light plant, and the purchase of the necessary land, and the erection of the necessary buildings therefor, and to provide for the issue of debentures of the said town to the amount of \$35,000, and to raise the sum required therefor.

Whereas it is advisable that the municipal council of the corporation of the town of Napanee should construct an electric light plant for the town of Napanee, not to exceed in cost the sum of \$35,000.00.

And whereas in order thereto it will be necessary to borrow and to issue debentures of the said municipality for the sum of \$35,000.00 as hereinafter provided (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the purpose aforesaid, and to no other.

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of thirty years, being the currency of said debentures, said sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of said period, as shown in Schedule "A" hereto annexed;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest, as hereinafter provided, is \$2,024.05;

And whereas the amount of the whole rateable property of the town of Napanee, according to the last revised assessment roll, is \$995,704;

And whereas the amount of the existing debenture debt of the said municipality is \$40,708.20, whereof no amount of principal and no amount of interest are in arrear;

Therefore the municipal council of the corporation of the town of Napanee enacts as follows:—

1. The municipal council of the said town of Napanee shall expend a sum not exceeding the sum of \$35,000.00 in the construction and installation of an electric light plant for the said town of Napanee

and



and for the purchase of the necessary land and the erection of the necessary buildings therefor, and for the purpose of raising the said sum, debentures of the said town to the amount of \$35,000.00, as aforesaid, in sums of not less than \$100.00 each, shall be issued on the first day of September, A.D. 1905, each of which debentures shall be dated on the date of the issue thereof, and shall be payable within thirty years thereafter, namely, on the first day of September, A.D. 1935, at the Merchants' Bank of Canada, in the said town of Napanee.

2. Each of the said debentures shall be signed by the mayor of the said town of Napanee, or by some other person authorized by by-law to sign the same, and by the treasurer of the said town of Napanee, and the clerk shall attach thereto the corporate seal of the municipality.

3. The said debentures shall bear interest at the rate of four per centum per annum, payable yearly, at the said Merchants' Bank of Canada, on the first day of September in each and every year, during the currency thereof, and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the mayor and the treasurer of the said town of Napanee.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said town of Napanee the sum of \$2,024.05 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt, as shown in Schedule "A" attached hereto.

5. This by-law shall take effect on the day of the date of the final passing thereof.

6. The votes of the electors of the said town of Napanee shall be taken on this by-law on Friday, the seventh day of July next, commencing at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, by the following deputy returning officers, and at the following places, that is to say:—

West Ward, No. 1, at Frank Bowen's residence, C. W. Bowen, D.R.O.

West Ward, No. 2, at J. R. Clapp's residence, Geo. Vanalstine, D.R.O.

Central Ward, No. 1, at town hall, Chas. Walters, D.R.O.

Centre Ward, No. 2, at E. B. Hemstreet's residence, Patrick Gleeson, D.R.O.

East Ward, James Perry's office, James Perry, D.R.O.

7. On Thursday, the sixth day of July, A.D. 1905, the mayor of the said town of Napanee shall attend at the council chamber at 12 o'clock, noon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law, respectively.

8. The clerk of the council of the said town of Napanee shall attend at his office in the town hall at ten o'clock in the forenoon of Saturday, the eighth day of July, A.D. 1905, to sum up the votes for and against the by-law.

Dated at the town hall, in the town of Napanee, the 24th day of July, A.D. 1905.

(Sgd.) JOHN LOWRY,  
Mayor.

(Sgd.) W. A. GRANGE,  
Clerk.

(Seal)

## SCHEDULE A.

Referred to in the foregoing by-law, shewing how the amount of \$35,000 thereby required to be raised annually by special rate is apportioned.

Year.	Principal.	Interest.	Total.
1906	\$624 05	\$1,400 00	\$2,024 05
1907	649 01	1,375 04	2,024 05
1908	674 97	1,349 08	2,024 05
1909	701 96	1,322 09	2,024 05
1910	730 10	1,293 95	2,024 05
1911	759 22	1,264 83	2,024 05
1912	789 62	1,234 43	2,024 05
1913	821 22	1,202 83	2,024 05
1914	854 06	1,169 99	2,024 05
1915	888 22	1,135 83	2,024 05
1916	923 75	1,100 30	2,024 05
1917	960 71	1,063 34	2,024 05
1918	999 13	1,024 92	2,024 05
1919	1,039 08	984 97	2,024 05
1920	1,080 66	943 39	2,024 05
1921	1,123 89	900 16	2,024 05
1922	1,168 83	855 22	2,024 05
1923	1,215 60	808 45	2,024 05
1924	1,264 22	759 83	2,024 05
1925	1,314 78	709 27	2,024 05
1926	1,367 38	656 67	2,024 05
1927	1,422 06	601 99	2,024 05
1928	1,478 95	545 10	2,024 05
1929	1,538 13	485 92	2,024 05
1930	1,599 64	424 41	2,024 05
1931	1,663 63	360 42	2,024 05
1932	1,730 16	293 89	2,024 05
1933	1,799 42	224 63	2,024 05
1934	1,871 34	152 71	2,024 05
1935	1,946 21	77 84	2,024 05

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\$35,000 00

(Sgd.) JOHN LOWRY,  
Mayor.

(Sgd.) W. A. GRANGE,  
Clerk.

## CHAPTER 81.

An Act respecting the Municipality of Neebing and the Corporation of the Municipality of Paipoonge, 1906.

*Assented to 27th April, 1906.*

WHEREAS the Corporation of the Municipality of Paipoonge, has by petition represented that an adjustment was made as required by law of the assets and liabilities of the municipality of Neebing pursuant to section two of "An Act to incorporate the corporation of the municipality of Paipoonge," and by such adjustment it was agreed that the corporation of the municipality of Paipoonge should assume and pay liabilities amounting to \$3,505.23; that by reason of the floods in the year 1904 an excessive and unforeseen expenditure on roads and bridges was incurred, which, together with the liabilities assumed as aforesaid and accrued interest amounted to \$4,500; and that it was necessary that the petitioners should consolidate this floating indebtedness and issue debentures therefor in order not only to put the affairs of the municipality on a good financial basis but also to the saving of considerable interest, which would otherwise have to be paid on such floating indebtedness; and that the petitioners did on the eighth day of July, 1905, submit by-law number 25 of the said municipality to the duly qualified ratepayers thereof entitled to vote thereon, after duly publishing the said by-law in the Fort William "*Times Journal*," a newspaper published at the Town of Fort William and that out of one hundred and sixty-three votes entitled to be cast thereon, twenty-seven were cast in favor thereof and twenty-five against the same; that doubts have arisen as to the validity of said by-law owing to the nature of the debt intended to be created thereby and otherwise; and that the said by-law was finally passed by the council of the said municipality on the fifteenth day of July, 1905, and was thereafter duly registered in the registry office in and for the District of Thunder Bay and that no objection has been made thereto on the part of any ratepayer and that no application has been made to quash or set aside the said by-law; and that no action is pending wherein the validity

validity of such by-law has been or can be called in question; and whereas the corporation of the municipality of Paipoonge and the municipality of Neebing having by petition prayed for special legislation in respect of the above and other matters herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

By-law No. 25  
of Paipoonge  
confirmed.

1. By-law number 25 of the corporation of the municipality of Paipoonge intituled "A by-law authorizing the issue of debentures of the Township of Paipoonge to the amount of \$7,000, for the purpose of paying the existing liabilities of the said Township of Paipoonge amounting to \$4,500, and to expend for machinery, gravel and other improvements on roads the sum of \$2,500," and a true copy of which is set out in Schedule "A" hereto, be and the same is hereby declared to be and to have always been since the final passing thereof a valid, legal and existing by-law of the said municipality; and the debentures now issued, or which may or shall hereafter be issued thereunder (when so issued) shall be valid and binding upon the said corporation and the ratepayers thereof.

Assessors and  
collectors rolls  
of Neebing and  
Paipoonge  
confirmed.

2. Subject to the provisions of section 3 hereof, all assessment rolls of the said municipality of Neebing finally revised, all collector's rolls of the said municipality returned by the collectors thereof and all collector's returns made, prior to the separation of the corporation of the municipality of Paipoonge from the municipality of Neebing, are hereby validated and confirmed, notwithstanding any irregularity, fault or omission in the said assessment rolls, collector's rolls or collector's returns, or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary.

Sales of land  
for arrears  
of taxes con-  
firmed.

3. All sales of lands, prior to the separation of the corporation of the municipality of Paipoonge from the municipality of Neebing, and which purported to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* or any amendments to either of the said Acts in regard to the manner in which any assessment roll or collector's roll of the said municipality has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said municipality, or

in



in regard to the furnishing, authenticating, or depositing of any list of lands in arrear for taxes within the said municipality or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of the said municipality to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained; provided, however, that any land so sold for taxes which is still held by the corporation may be redeemed by the owner thereof or any mortgagee thereon prior to the 15th day of July, 1906, by such owner or mortgagee paying to the corporation the full amount which would have been necessary to redeem the same, within one year from the day of sale as provided in *The Assessment Act*, including interest, the costs and charges of the sale and a sum for any year or years in which the same may not have been rated for taxes equal to what would have been the taxes thereon at the current rate for such year or years if the land had been assessed to a private person, and also interest upon the several sums to the time of such redemption; and provided further that nothing in this Act contained shall affect any rights which are the subject of litigation at the time of the passing of this Act, or which may be the subject of litigation prior to the said 15th day of July, 1906; and provided further that nothing in this Act contained shall be held, or deemed to validate any sales of unpatented lands (other than the locatee's interest therein) purporting to have been made for arrears of taxes.

#### SCHEDULE "A."

##### BY-LAW No. 25

A Bylaw authorizing the issue of Debentures of the Township of Paipoonge to the amount of \$7,000, for the purpose of paying the existing liabilities of the said Township of Paipoonge amounting to \$4,500, and to expend for machinery, gravel and other improvements on roads the sum of \$2,500.

Whereas the corporation of the municipality of the Township of Paipoonge has existing liabilities amounting to \$4,500, which it is deemed advisable to pay;

And whereas it is desirable that the sum of \$2,500 should be expended by the Township of Paipoonge in improving the roads of the Township of Paipoonge, in the purchase of road machinery, gravel and other improvements to roads, and that the said sum, together with the sum above mentioned to pay the existing liabilities, should be raised on the credit of the township;

And whereas in order thereto, it will be necessary to issue debentures of the Township of Paipoonge for the sum of \$7,000, as hereinafter provided, (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the said purposes and to no others;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$561.69, whereof \$350.00 is to be raised annually

nually for payment of interest during the currency of the said debentures and \$211.69 is to be raised annually for the purpose of creating a sinking fund for payment of the debt secured by the said debentures;

And whereas the whole amount of rateable property of the Township of Paipoonge according to the last revised assessment roll thereof is \$288,000;

And whereas the amount of the existing debenture debt of the said municipality is \$2,000, of which no portion of principal or interest is in arrears;

Therefore the municipal council of the corporation of the Township of Paipoonge enacts as follows:

1. The sum of \$4,500 shall be expended by the Township of Paipoonge in paying the existing liabilities of the Township of Paipoonge, and the sum of \$2,500 shall be expended by the Township of Paipoonge in purchasing machinery, gravel and general road improvements in the said Township of Paipoonge, and for the purpose of raising the said sum, namely, \$7,000, debentures of the Township of Paipoonge to the said amount of \$7,000, in the whole, shall be issued in sums of not less than \$100 each, which said debentures shall be dated on the 15th day of July, 1905, and shall be payable on the 15th day of July, 1925, at the Bank of Montreal, in the Town of Fort William.

2. Each of said debentures shall be signed by the reeve of the said Township of Paipoonge, or by some other person authorized by by-law to sign the same, and also by the treasurer thereof, and the clerk of the said township shall attach the corporate seal of the municipality.

3. The said debentures shall bear interest at the rate of five per centum per annum payable half yearly at the said bank on the 15th days of July and January in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said reeve and treasurer.

4. During the currency of the debentures there shall be raised annually by special rate on all the rateable property in the said Township of Paipoonge, the said sum of \$350.00 for payment of interest on the said debentures, and the said sum of \$211.69 for the purpose of creating a sinking fund for the payment of the debt hereby secured, making in all the sum of \$561.69 to be raised annually, by special rate as aforesaid during each of the said twenty years.

5. This by-law shall take effect on the 15th day of July, 1905.

6. The votes of the electors of the said Township of Paipoonge shall be taken on this by-law at the following times and places, that is to say, on Saturday, the 8th day of July, 1905, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the following deputy returning officers, namely, by James Williamson, at Stanley school house; and by A. W. Trewin, at Rosslyn hall.

7. On Monday, the 3rd day of July, 1905, the reeve of the said township shall attend at the town hall of the said Township of Paipoonge at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

8. The clerk of the said Township of Paipoonge shall attend at the town hall at ten o'clock in the forenoon of Tuesday, the 11th day of July, 1905, to sum up the number of votes given for and against this by-law.

Dated at the town hall in the Township of Paipoonge, on the 15th day of July, 1905.

(Seal).

JNO. PARKINSON, Reeve.  
A. W. TREWIN, Clerk.

## CHAPTER 82.

An Act to confirm By-laws numbers 516 and 522  
of the Town of Niagara-on-the-Lake.

*Assented to 27th April, 1906.*

**W**HEREAS the Municipal Corporation of the Town Preamble.  
of Niagara-on-the-Lake has, by petition, represented that the Niagara Engine Works Company, Limited, a manufacturing company about to engage in the manufacture of gas and gasoline engines, and other kindred industries and employments, have applied to the Municipal Corporation of the said Town for a partial exemption of the property real and personal of the said Company for a period of twenty years from and including the first day of January, 1906, that it to say: Exemption of all the assessed value thereof, upon the properties set forth in By-law Number 516 as amended by By-law Number 522, over and above the sum of \$2,000., for the first ten years commencing with and including the first day of January, 1906, and ending with and including the thirty-first day of December, 1915, and over and above the sum of \$5,000 for the second ten years commencing with and including the first day of January, 1916, and ending with and including the thirty-first day of December, 1925, and the furnishing by the said Municipal Corporation to the said company of free light (the said Company to furnish the fixtures and wire their factory) and free water for the same period of time from the water works system of the said town; and whereas the Municipal Corporation of the said Town did on the fifth day of October, A.D. 1905, enact by By-law Number 516 of the said Corporation that the property, real and personal of the Niagara Engine Works, Limited, in the Town of Niagara-on-the-Lake, and more specifically defined by amending By-law number 522, shall be partially exempt from municipal taxation save and except taxation for school rates) for a period of twenty years from and including the first day of January, 1906, to the following extent and amount, that is to say: Exemption of all the assessed value thereof

of over and above the sum of \$2,000 for the first ten years of such period of time and of all over and above the sum of \$5,000, for the remaining ten years of such period of time, and the furnishing by the said Municipal Corporation to the said Company for the said periods of time of free light and free water on the terms and conditions above set forth; and whereas the said Municipal Corporation has, by its petition, prayed that an Act may be passed to ratify and confirm the said by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws No. 516 and 522 of the Town of Niagara-on-the-Lake confirmed.

1. Subject to the provisions of sections 2, 3 and 4 hereof, By-law Number 516, of the Municipal Corporation of the Town of Niagara-on-the-Lake, as set forth in Schedule "A" to this Act, intituled "A By-law granting free light and water and fixing the assessment of The Niagara Engine Works Company, Limited," as amended by By-law No. 522, intituled "A by-law to amend by-law number 516" passed by the said council on the fifth day of October, 1905, and the twenty-ninth day of January, 1906, respectively, are confirmed and declared to be legal, valid and binding upon the said corporation and the said company.

Fixed assessment not to extend beyond 1st January, 1916.

2. Notwithstanding anything contained in the said by-laws or in the agreement set out in Schedule "A" hereto, the fixing of the annual assessment of the real estate, property, franchises and effects of the said company thereunder, shall not extend or be effective beyond the first day of January, 1916.

Assessment for school and local improvement purposes excepted.

3. Nothing in the said by-laws or agreement contained shall affect the assessment of the real estate and property of the said company for school purposes, or local improvements, and the said real estate and property shall be assessed for and shall be liable to taxes for school purposes and for local improvement rates in the same manner and to the same extent as if the said by-laws had not been passed.

Fixing of assessment subject to certain conditions.

4. The fixing of the assessment, as provided in section 2 of this Act, is subject to the performance and observance by the said company of the terms, conditions and stipulations set out and contained in the said agreement.

#### SCHEDULE "A".

##### By-Law No. 516.

A by-law granting free light water and fixing the assessment of The Niagara Engine Works Company, Limited.

Be it enacted by the municipal council of the Town of Niagara-on-the-Lake and it is hereby enacted that the Mayor and Clerk of the



the said municipality be, and they are hereby authorized to execute the agreement between the said corporation and the said company annexed to this by-law schedule "A" and forming part hereof.

Read a third time and passed in council this fifth day of October, A.D. 1905.

(Sgd.) WM. MILLER,

Mayor.

(Sgd.) J. H. BURNS,

Clerk.

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#### SCHEDULE "A."

##### AGREEMENT.

Memorandum of agreement made and entered into this       day of October, in the year of our Lord, one thousand nine hundred and five, between The Niagara Engine Works Company, Limited, hereafter called the Company, of the First Part, and The Corporation of the Town of Niagara-on-the-Lake, in the County of Lincoln, hereinafter called the Corporation, of the Second Part.

Whereas the undertaking and work of The Niagara Engine Works Co., Limited, are calculated to contribute materially to the prosperity and well being of the ratepayers of the municipality of the Town of Niagara-on-the-Lake and it is expedient to grant the requests of the said company to the corporation to furnish the said company with free light and water and to fix the assessment of its property within the said municipality as is hereinafter set forth.

Now this indenture witnesseth that in consideration of the premises and of the sum of one dollar of lawful money of Canada paid by each to the other, the receipt whereof is hereby acknowledged, and in consideration of the covenants and agreements hereinafter contained to be observed and performed by the parties hereto respectively.

The said company covenants and agrees with the corporation that it will purchase a suitable site within the limits of the said municipality and erect and equip a factory and plant thereon for the manufacture of gas and gasoline engines and such other articles as it may deem advisable on or before the first day of January, 1906, said site, factory and plant to be worth not less than twenty thousand dollars and to be owned by the said company on the said first day of January, 1906, and from and after the said first day of January, 1906, the said company agrees to carry on in the said factory for a period of at least twenty years the manufacture of gas and gasoline engines and other machinery and that it will employ in said factory not less than fifteen men daily during working days for at least ten months in each year from April first, 1906, to January first, 1908, and not less than twenty-five men for at least ten months in each year from January first, 1908, to January first, 1926.

In consideration of the premises the corporation, so far as it legally may, agrees with the company to furnish the company during the said period of twenty years with electric current at the company's factory sufficient to light the said factory in a suitable manner free of charge, the company to wire the said factory and to furnish its own fixtures at its own expense.

The corporation so far as it legally may, also agrees with the company to furnish the company for the said period of twenty years from January first 1906, with water from its water works system sufficient for the purposes of the said factory free of cost to the company.

The

The corporation, so far as it legally may, further agrees with the company that the annual assessment of all real estate, property, franchise and effects of the company situate from time to time within the said municipality and used for the corporate purposes of the company shall from the first day of January, 1906, till the first day of January, 1916, be fixed at the sum of two thousand dollars in each year and from the first day of January, 1916, till the first day of January, 1926, at the sum of five thousand dollars in each year and that the said company or its property in the municipality shall not be liable for any assessment or taxation of any nature or kind whatsoever beyond the amount to be ascertained in each such year by the application of the yearly rate levied by the municipal council in each such year of the said fixed assessment.

It is further agreed between the parties that if the said company shall refuse to pay taxes on the above assessment in any of the years or if the said company shall fail to carry out its agreement the corporation or any lawful authority on its behalf may thereafter assess and collect taxes upon the said company or its property as if this by-law had never been passed.

It is understood and agreed between the parties that the company shall not be entitled to compensation from or damages against the corporation for failure of the corporation to supply light or water as provided in this agreement when such failure is occasioned by the electric light or water works system being out of repair.

This agreement shall enure to the benefit of and be binding upon the successors and assigns of the parties hereto as well as the parties themselves.

In witness whereof the parties hereto have hereunto affixed their corporate seals, evidenced by the signatures of their proper officers thereunto legally authorized.

Signed, sealed and delivered in the presence of,

(Sgd.) JOSEPH WALKER,

(Sgd.) WM. MILLER,  
Mayor.

(Sgd.) J. H. BURNS,  
Clerk.

(Seal.)

#### SCHEDULE "B".

##### By-Law No. 522.

##### A by-law to amend by-law No. 516.

Whereas it is expedient to amend by-law No. 516 of the by-laws of the Town of Niagara.

Therefore the council of the Town of Niagara do hereby amend said by-law by inserting the following words to the agreement which is attached to said by-law referring to assessment, viz.:

Said property to consist of present factory and two acres of land, more or less, as described in deed of sale from John Simpson to the Niagara Engine Works Co., Ltd., dated September, 1905.

Passed in open council, this 29th day of January, 1906.

(Sgd.) H. L. ANDERSON,  
Mayor.

[Seal.]

(Sgd.) J. H. BURNS,  
Clerk.

CHAPTER

## CHAPTER 83.

## An Act respecting the Town of North Toronto.

*Assented to 27th April, 1906.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.  
 North Toronto has by petition represented that doubts have arisen as to the power of the said municipal corporation to pass by-laws for entering into agreements with any company, corporation, person or persons for the supply of light, heat and power by such company, corporation, person or persons within the said Town and for lighting the streets and lighting and heating public buildings therein and supplying light, heat and power to the inhabitants of the said Town, owing to the terms of an agreement entered into between the said Town and the North Toronto Suburban Water Works and Light Company, Limited, dated the 18th day of June, 1892, and has prayed that an Act may be passed to remove all such doubts and to authorize the Council of the said Corporation to pass bylaws for the purposes aforesaid, and to confirm certain tax sales had within the said Town; and whereas it is expedient to the extent hereinafter set out to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the Municipal Corporation of the Town of North Toronto may pass by-laws for constructing and erecting works for the purposes of supplying light, heat and power within the said Town and for lighting the streets and lighting and heating public buildings therein and supplying light, heat and power to the inhabitants thereof and for entering into agreements with any company, corporation, person or persons for the supply of light, heat or power, or for the supply of power to furnish light or heat by such company, corporation, person or persons to the Corporation of the said Town and the inhabitants thereof,

Town of North Toronto, authorized to construct electric light works, etc.

thereof, and for raising money not exceeding \$50,000 by the issue of debentures for the purposes aforesaid, such debentures to be issued and payable in the manner provided by *The Consolidated Municipal Act, 1903*, with respect to by-laws for the creation of debts for the purposes aforesaid. Provided however, that nothing in this section contained shall prejudice or affect any rights possessed by the North Toronto Suburban Water Works and Light Company, Limited, under its agreement now existing with the Town of North Toronto or any rights possessed by the North Toronto Suburban Water Works and Light Company, Limited.

Sales for arrears of taxes confirmed.

2. All sales of lands within the said Town before the first day of January, 1902, made or purporting to be made for arrears of taxes in respect of the lands so sold are validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrears, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* in regard to the manner in which any assessment roll or collector's roll of the said Town has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said Town, or in regard to the furnishing, authenticating, or depositing of any list of lands in arrear for taxes within the said Town, or in regard to the mailing of notice to any person in respect of whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of said Town to comply with any requirements of the said Acts or *The Municipal Act*, and notwithstanding anything to the contrary in any of the said Acts contained. Provided that nothing herein contained shall be taken or held or be deemed to validate or confirm any such sale unless taxes were at the time of such sale actually in arrear for such period of time as required by the statute in that behalf.

Proviso.



## CHAPTER 84.

## An Act respecting the United Counties of Northumberland and Durham.

*Assented to 27th April, 1906.*

**W**HEREAS the Municipal Corporation of the United Counties of Northumberland and Durham has by petition represented that the said corporation is compelled by law to erect a House of Refuge before the 1st day of January, 1908, and that for many years past the county gaol in Cobourg, situated nearly two miles from the present court house, has been condemned by various Inspectors of Prisons, and that the present gaol and old county buildings connected therewith, can be easily and economically remodelled for the purpose of a House of Refuge, and that land adjacent to such gaol has been purchased for an industrial farm, and that a new and modern gaol adjacent to the present court house is necessary on a site which has been purchased therefor; and whereas the plans for the conversion of the gaol into a House of Refuge have been submitted to and approved of by the Inspector of Prisons and Public Charities; and whereas the Municipal Corporation of the said United Counties has petitioned praying that an Act may be passed to declare legal, valid and binding a by-law of the said municipality numbered 741, to authorize the Municipal Corporation to issue debentures to the amount of \$60,000 payable in equal annual amounts of \$3,469.80 in each year for the period of 30 years from the 2nd day of January, 1906, for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 741 of the municipal council of the corporation of the United Counties of Northumberland and Durham, set forth in the Schedule "A" to this Act, and the debentures which may be issued thereunder or in pursuance

By-law No. 741 of Northumberland and Durham confirmed.

pursuance of the said by-law, are ratified and confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law or to issue the said debentures and notwithstanding any defect in substance or in form of the said by-law or debentures or in the manner of passing or issuing the same; and the Corporation of the United Counties of Northumberland and Durham is authorized and empowered to issue debentures as authorized by the said by-law; and the said debentures so issued under the said by-law are declared legal and binding upon the said municipality; and the said Corporation is authorized and empowered to do all acts and things for the full and proper carrying out of the said By-law No. 741.

#### SCHEDULE "A."

##### BY-LAW No. 741 OF THE CORPORATION OF THE UNITED COUNTIES OF NORTHUMBERLAND AND DURHAM.

A By-law to authorize the Municipal Council of the Corporation of the United Counties of Northumberland and Durham to issue Debentures to the amount of \$60,000 for the purposes of converting the gaol and old county buildings into a house of refuge, and the purchase of the necessary land adjacent thereto for an industrial farm; and for the erection of a new gaol in the Town of Cobourg, adjacent to the present Court House, and the purchase of a site therefor.

Whereas by an Act of the Legislature of the Province of Ontario, 3 Edward VII, chapter 38, entitled *An Act respecting Municipal Houses of Refuge*, as amended by 5 Edward VII, chapter 13, section 25, county councils are required to erect and establish for each county, before the 1st day of January, 1908, a house of refuge for the reception of persons of the classes described in section 526 of *The Municipal Act* and amendments thereto;

And whereas for many years past the county gaol in Cobourg, situated at the distance of nearly two miles from the present Court House, has been condemned by various Inspectors of Prisons;

And whereas in view of the facts that the present gaol and old county buildings connected therewith can be easily and economically adjacent thereto for an industrial farm can be purchased, and that remodelled for the purpose of a house of refuge, and sufficient land a new and modern gaol adjacent to the present Court House in Cobourg (a site for which has been procured), is also requisite, the county council of the United Counties of Northumberland and Durham, at a regular meeting thereof, held on the 22nd day of November, 1905, resolved "That this council shall at once proceed with the erection of a gaol, and remodel the present gaol as a House of Refuge;"

And whereas the estimated costs of the works aforesaid amount to the sum of \$60,000.00;

And whereas in order to raise the said sum of \$60,000.00 it will be necessary to issue debentures of the municipal corporation of the United Counties of Northumberland and Durham for the sum of \$60,000.00, as hereinafter provided (which is the amount of the debt intended to be created by this By-law), the proceeds of the said debentures to be applied to the said purposes and no other;

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during

during the period of thirty years, being the currency of the said debentures, the said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period of thirty years (as shown in Schedule "A" hereto annexed);

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$3,469.80;

And whereas the amount of the whole rateable property of the United Counties of Northumberland and Durham, according to the last revised and equalized assessment rolls thereof is \$26,500,250;

And whereas the amount of the existing debenture debt of the said municipality is \$40,000.00, whereof no portion of the principal or interest is in arrear, and the sinking fund thereof now amounts to the sum of \$19,739.00;

Therefore the municipal council of the corporation of the United Counties of Northumberland and Durham enacts as follows:

1. That for the purpose of raising the sum of \$60,000.00 to be expended as hereinbefore set forth, debentures of the corporation of the United Counties of Northumberland and Durham to the amount of \$60,000.00 as aforesaid, in the sums of \$3,469.80 each shall be issued on the second day of January, A. D. 1906, payable one each on the second day of January, in the years A. D. 1907 to 1936 inclusive, at the office of the treasurer of the United Counties of Northumberland and Durham, in the Town of Cobourg, without interest, the interest on the said sum of \$60,000.00 calculated at the rate of four per centum per annum being already included in the amount of the said debentures (as per Schedule "A" hereto annexed).

2. Each of the said debentures shall be signed by the warden of the said United Counties of Northumberland and Durham, and he is hereby authorized and instructed to sign the same and issue the debentures hereby authorized to be issued, and to cause the same to be signed by the treasurer of the said municipality and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. That during the currency of the said debentures there shall be raised annually by special rate on all the rateable property of the said United Counties of Northumberland and Durham, the sum of \$3,469.80, for the purpose of paying the amount due in each of the said years, for principal and interest, in respect of the said debt.

4. This By-law shall not come into force or be of any effect whatsoever until after the municipal council of the corporation of the United Counties of Northumberland and Durham shall have been empowered and authorized to pass the same, and until the said By-law has been declared valid and binding upon the said municipality by an Act of the Legislative Assembly of the Province of Ontario.

5. Subject to the provisions of the fourth paragraph hereof this By-law shall take effect on, from and after the day upon which any Act of the said Legislative Assembly declaring this By-law valid and binding upon the said municipality shall come into force.

Dated the third day of January, A. D. 1906.

(Signed) WM. McLEAN,  
Warden.

(Signed) NEIL F. MACNACHTAN,  
Counties' Clerk.

(Seal)

## Schedule "A."

\$60,000.00 FOR 30 YEARS AT 4 PER CENT.

Each year.	Interest.	Principal.	Principal and Interest.
1	\$2,400 00	\$1,069 80	\$3,469 80
2	2,357 20	1,112 60	3,469 80
3	2,312 72	1,157 08	3,469 80
4	2,266 42	1,203 38	3,469 80
5	2,218 28	1,251 52	3,469 80
6	2,168 22	1,301 58	3,469 80
7	2,116 15	1,353 65	3,469 80
8	2,062 00	1,407 80	3,469 80
9	2,005 70	1,464 10	3,469 80
10	1,947 13	1,522 67	3,469 80
11	1,886 24	1,583 56	3,469 80
12	1,822 88	1,646 92	3,469 80
13	1,757 01	1,712 79	3,469 80
14	1,688 48	1,781 32	3,469 80
15	1,617 25	1,852 55	3,469 80
16	1,543 14	1,926 66	3,469 80
17	1,466 07	2,003 73	3,469 80
18	1,385 92	2,083 88	3,469 80
19	1,302 56	2,167 24	3,469 80
20	1,215 88	2,253 92	3,469 80
21	1,125 72	2,344 08	3,469 80
22	1,031 96	2,437 84	3,469 80
23	934 45	2,535 35	3,469 80
24	833 02	2,636 78	3,469 80
25	727 57	2,742 23	3,469 80
26	617 87	2,851 93	3,469 80
27	503 80	2,966 00	3,469 80
28	385 15	3,084 65	3,469 80
29	261 76	3,208 04	3,469 80
30	133 45	3,336 35	3,469 80



## CHAPTER 85.

## An Act respecting the Township of Oliver.

*Assented to 14th May, 1906.*

**W**HEREAS the Municipal Corporation of the Township of Oliver has by its petition prayed that all sales of land for taxes within the said Township should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition. Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All sales of lands within the Municipality of the Township of Oliver up to and including the sale held in the year 1904, and which purported to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* or any amendments to either of the said Acts in regard to the manner in which any assessment roll or collector's roll of the said municipality has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said municipality, or in regard to the furnishing, authenticating, or depositing of any list of lands in arrear for taxes within the said municipality or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of the said municipality, or of any official thereof, to comply with any requirements of the said Acts, and notwithstanding

Sales of land  
for arrears  
of taxes confirmed.

ing anything to the contrary in either of the said Acts contained; provided, however, that any land so sold for taxes which is still held by the said corporation may be redeemed by the owner thereof or any mortgagee thereof prior to the 27th day of October, 1906, by such owner or mortgagee paying to the said corporation the full amount which would have been necessary to redeem the same, within one year from the day of sale as provided in *The Assessment Act*, including interest, the costs and charges of the sale and a sum for any year or years in which the same may not have been rated for taxes equal to what would have been the taxes thereon at the current rate for such year or years if the land had been assessed to a private person, and also interest upon the several sums to the time of such redemption; and provided further that nothing in this Act contained shall affect any rights which are the subject of litigation at the time of the passing of this Act, or any rights as to lands included in the sale of 1904 which may be the subject of litigation prior to the said 27th day of October, 1906.

Sales of  
unpatented  
lands not  
affected.

2. Nothing in this Act contained shall be held to validate any sales of unpatented lands (other than the locatee's interest therein) purporting to have been made for arrears of taxes.

## CHAPTER 86.

## An Act respecting the Town of Oshawa.

*Assented to 27th April, 1906.*

**W**HEREAS the Municipal Corporation of the Town of Oshawa has by petition represented that By-law No. 567 of said Corporation was duly passed on the 18th day of March, 1904, to provide a uniform frontage tax throughout the said town for the construction of sewers under the local improvement laws and for other purposes, and by said by-law it was, among other things, enacted that every owner of property which is drained into any of the common sewers and every owner of property in front of which a sewer is constructed as a local improvement, should pay a uniform frontage tax of eighty-five cents per foot frontage of property so drained, and that such amount should be paid in thirty equal annual instalments of five cents each per foot frontage—such sum of five cents per foot frontage being at the time of the passage of said by-law considered sufficient to pay both principal and interest for that amount; and further, that the cost of any sewer in excess of the total assessment on the abutting properties should be borne by the town; and that a number of sewers on various streets in said town have been constructed in accordance with said by-law and are now in operation and use; that by By-law Number 610 of said corporation, passed the 9th day of October, A.D. 1905, the issue of debentures for the construction of such sewers to the amount of \$41,000 was authorized; \$37,285.33 of which was the amount to be paid by the frontagers by way of a local improvement tax, and the balance of \$3,714.67 as the corporation's share of the cost of said sewers so constructed for street intersections, catch basins and other necessary adjuncts of said system of sewers in excess of the total amount payable by the frontagers as aforesaid and which should be borne by the town generally as aforesaid, and providing that said debentures should be further guaranteed by the town at large which last mentioned by-law was duly registered on the 17th day of October, A.D. 1905, and is in full force; that no appli-  
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cation has been made to quash or set aside said by-laws or either of them, and that the arrangement and apportionment of the cost of the said sewers, constructed and to be constructed as aforesaid, is an equitable and just one; that the debentures authorized by said By-law Number 610 were directed to be issued as bearing interest at four and one-half per centum per annum, that being a rate of interest slightly higher than that under consideration when said By-law No. 567 was passed, and the said yearly payment of five cents per annum is by a small fraction not sufficient to meet the annual payments required to pay principal and interest as aforesaid; that in the preamble to said By-law No. 610, by a clerical error the date of passing of said By-law No. 567 was erroneously stated; that the said Corporation has borrowed the money required to be expended in the construction of said works from its bankers upon the ordinary credit of the municipality, and in pursuance of *The Consolidated Municipality Act, 1903*; that extensions to said system of sewers have been made, and further extensions will be necessary in the near future, and that doubts have arisen as to the legality of the said by-laws; and whereas the said Corporation by its petition prays that an Act may be passed validating and confirming the said by-laws, copies of which are set forth in Schedules "A" and "B" to this Act, and the debentures issued or to be issued in pursuance thereof, and permitting extensions of said system of sewers to be constructed in accordance with said By-law No. 567; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws Nos. 567 and 610 of the town of Oshawa confirmed.

1. By-laws Nos. 567 and 610 of the said Corporation of the Town of Oshawa, copies whereof are contained in the Schedules hereto, "A" and "B" respectively, are ratified and confirmed and declared valid and binding upon the municipal corporation of the Town of Oshawa and the ratepayers thereof—and the said municipality of the Town of Oshawa is hereby declared to have power to pass by-laws pursuant and according to the provisions of said By-law No. 567, and in particular said By-law No. 610, and to make assessments on real property for the purposes and in the manner in said recited by-laws defined and set out; and any and all by-laws that may hereafter be passed by the said corporation for the issue of debentures for the purpose of paying for the construction of sewers in the said Town of Oshawa, constructed under the authority of and in manner required by said By-law No. 567, are and shall be, binding on said corporation and on the ratepayers thereof.



2. The debentures issued or to be issued under said By-law No. 610 and the guarantee of the municipality at large for the payment of the same or any part thereof contained or to be contained therein shall be and the same are hereby declared to be valid, legal and binding upon the Corporation of the said Town of Oshawa and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

3. Any additions to or extensions of the said system of sewers in said Town of Oshawa may be made by the municipal council of said town upon the initiative of the said council or on the petition of the ratepayers whose property would be affected thereby and may be constructed and paid for by the issue of debentures under and in accordance with the provisions of said recited By-law Number 567.

#### SCHEDULE "A."

##### (Section 1).

By-law No. 567, respecting Frontage Assessment for Sewers built as local improvements, and to regulate Town Sewers.

Whereas it is desirable to provide a uniform frontage tax throughout the Town of Oshawa, for the construction of street sewers, and to provide an equitable mode of assessing corner lots;

Be it therefore enacted by the municipal council of the Town of Oshawa as follows:

1. That it is and may be lawful for the council of the Town of Oshawa to construct common sewers in such streets and lanes and highways of the said town and through such private property in the said town as said council may deem necessary for sanitary purposes or where such sewers are petitioned for or authorized under the local improvement laws, provided always that such street, lane or highway, or portion thereof, be so situated as to afford a proper and sufficient outlet for such sewers.

2. All sewers constructed as local improvements and all private house sewers shall be of such arrangement, form, size, material and construction, and the connections with other sewers shall be made in such manner and at such points and under such rules and regulations as the council may, upon the report of the engineer of the town, from time to time prescribe.

3. Every owner of property which is drained into any of the common sewers, and every owner of property in front of which a sewer is constructed as a local improvement, shall pay a uniform frontage tax of eight-five cents per foot frontage of property so drained, to be assessed on each assessable foot of frontage property so drained. Such amount shall be paid in thirty equal annual instalments of five cents each per foot frontage, being a sum sufficient to pay both interest and principal for that amount, and the instalments shall be payable at the same time as ordinary taxes are payable to the town, but the town treasurer may accept payment down of the amount, and such sum shall be levied and collected by a special rate against and upon the property assessed accordingly.

4. Any person or persons desirous of connecting his or their premises with any common sewer, or of connecting it with any sewer

sewer for which the property has not been assessed, shall be assessed the same fixed frontage tax as if the sewers were constructed in front of the said property, and payments shall be made at the same time and in the same manner, and for a like number of years, as the payments along the sewer constructed, and shall be levied and collected accordingly.

5. Any property thus assessed for the privileges of connecting with any sewer shall be exempt from any assessment for any sewer constructed on the street in front of such property.

6. That corner lots shall be assessed for sewers constructed under By-laws for local improvements in the following manner:

(a) Every corner lot shall be entitled to the exemption of one-half the total frontage thereof (on the two streets) not exceeding, in any case, one hundred feet total exemption, which is to be allowed on the second street on which the sewer is constructed, but in case the frontage on the second street is less than one hundred feet, a sufficient number of feet is to be exempted on the first street to make, with the frontage on the second street, a total of one hundred feet.

(b) In cases where corner lots are built on more than one side of the lot, each separate owner or tenement shall pay a frontage assessment as in paragraph 3, where such tenement be on the front or side of the lot, but no such tenement shall pay for more than one street frontage.

(c) If a corner lot is a triangular or irregular shaped piece of land, or otherwise so situated so as to make a portion of the same unfit for building purposes, such allowance shall be made having due regard to the situation, value and superficial area of said lot as compared with the adjoining lots or pieces of land as the engineer may deem just and equitable.

(d) The term corner lot shall be understood to mean the corner premises at the intersection of streets, without reference to lots as originally laid out.

7. The payments aforesaid shall be put on the collector's roll and collected with the other town taxes against said respective properties.

8. That the cost of any sewer in excess of the total amount assessed on abutting properties shall be borne by the town.

9. All sanitary sewers, storm sewers and drains belonging to the town now laid down, constructed or built or hereafter laid down, constructed or built, are to be under the direct control and management of the town engineer, or other persons appointed for such purpose.

10. No person, firm or corporation shall injure, break or remove any portion of the sewer system or its appurtenances, or throw or deposit in any sewer opening or receptacle connected with the sewer system, any garbage, offal, dead animals, vegetable parings, ashes, cinders, rags or any matter or thing except faeces, urine, the necessary closet paper, liquid house slops, and such roof water as the sewerage committee may from time to time think proper.

11. No open gutter, cess-pool, privy vault, underground drain, or exhaust pipe from any steam engine shall be connected with any sanitary sewer.

12. Private sewers and drains, stable-yards, timber or wood drains, may be connected with the storm sewers, and cellar drains may be connected with the sanitary sewers, but all such connections shall be made according to the rules and regulations prescribed and according to the directions of the engineer.

13. The engineer, or sewerage committee, shall have the power to stop, or prevent from discharging into the sewer system, any private sewer or drain, through which substances are discharged which are liable to injure the sewers or obstruct the flow of sewage.

14. This By-law shall come into force immediately upon the passing thereof.

15. Any person convicted of a breach of this By-law shall forfeit and pay, at the discretion of the convicting magistrate or justice of the peace, a penalty not exceeding the sum of fifty dollars (\$50.00) for each offence, exclusive of costs, and in default of payment of such penalty and costs forthwith, or costs only, the said penalty and costs, or costs only may be levied by distress and sale of the goods and chattels of the offender, and in case of there being no distress found, out of which such penalty could be levied, the convicting magistrate, or justice of the peace, may commit the offender to the common gaol of the County of Ontario, with or without hard labour, for any period not exceeding thirty days, unless the said penalty and costs be sooner paid.

Read a first, second and third time and finally passed in open council this eighteenth day of March, A. D. 1904.

F. L. FOWKE.

Mayor.

THOS. MORRIS,

Clerk.

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#### SCHEDULE "B."

(Section 1).

By-law No. 610 of the Corporation of the Town of Oshawa to provide for the issue of Debentures for the purpose of providing funds for the construction of certain Common Sewers in said Town of Oshawa.

Whereas by By-law No. 567 of said town, duly passed the 8th day of September, A. D. 1904, entitled "By-law No. 567, respecting Frontage Assessments for Sewers built as Local Improvements, and to regulate Town Sewers," it was among other things enacted, that it should be lawful for the council of said town to construct common sewers in such streets and lanes and highways of the said town and through such private property in said town as said council deem necessary for sanitary purposes, or where such sewers are petitioned for or authorized under the local improvement laws; and also that every owner of property which should be drained into any of such common sewers and every owner of property in front of which a sewer should be constructed as a local improvement should pay a uniform frontage tax of eighty-five cents per foot frontage of property so drained, to be assessed on each assessable foot of frontage property so drained, such amount to be paid in thirty equal annual instalments of five cents each per foot frontage, being a sum sufficient to pay both interest and principal for that amount, the instalments to be payable at the same time as ordinary taxes are payable to the town (but the town treasurer might accept payment down of the amount) and the sums payable to be levied and collected by a special rate against and upon the property assessed; and also that the cost of any sewer in excess of the total amount assessed on abutting properties should be borne by the town.

And whereas the said council has caused such common sewers to be built and constructed upon the streets or parts of streets named  
and



and shown in Schedule "A" to this By-law, and the same are now completed;

And whereas such of the said sewers as were not constructed upon the petition of the frontagers have been so constructed upon the report and recommendation of the town engineer as being necessary for sanitary and drainage purposes, and upon the recommendation of the Local Board of Health, approved of by a vote of two-thirds of all the members of the council at a regular meeting thereof in pursuance of the *Consolidated Municipal Act, 1903*, and amendments;

And whereas the sewers on the streets or parts of streets set out in said schedule as numbers 1 to 45, were so constructed upon due notice by the council of their intention to construct the same, and to assess and levy the said amount of eighty-five cents per foot frontage assessment in respect of the same upon the real property fronting or abutting upon such streets or parts of streets respectively, pursuant to said Act and said By-law, the same are all necessary for sanitary or drainage purposes, and were so constructed as aforesaid upon the report of the engineer and the said recommendation of the Local Board of Health confirmed as aforesaid:

And whereas the said sewers on the streets or parts of streets numbers 46 to 58 inclusive in said schedule were so constructed upon duly signed petitions of the owners of the real property benefited thereby, and fronting upon said last mentioned streets or parts of streets in pursuance of said Act;

And whereas the said Schedule "A" also shows in the respective columns thereof the length of each sewer in feet, the frontage assessment thereof, the amount payable at said rate of eighty-five cents per foot, and the yearly rate to be paid as aforesaid for thirty years at five cents per foot frontage;

And whereas a duly called Court of Revision to confirm the assessment made and reported on by the said engineer has been duly held on the 24th day of July, 1905, after due publication and service of all proper notices, which court was adjourned till the 21st day of August, 1905, at which court sundry appeals as to measurements and otherwise were heard and disposed of, and the same finally adjusted and confirmed, and no appeals from said Court of Revision have been made to the County Court Judge, and the said assessments as adjusted and confirmed by said Court of Revision are each and all now determined and settled;

And whereas the total cost of said improvements and the necessary adjuncts thereto as certified by said engineer, is the sum of \$60,725.60, \$19,000, part whereof has been paid from the proceeds of the sale of debentures authorized under By-law No. 564 of said corporation passed the 7th day of March, 1904, and expended in main sewers, outlets, catch basins, storm sewers and other necessary adjuncts to said works, leaving a balance of \$41,725.60;

And whereas sundry frontagers have paid their respective assessments in cash to the amount of \$694.45, and the balance then is the sum of \$41,031.15, unpaid in respect of said works;

And whereas the total amount to be now raised to pay for such improvements is the sum of \$41,031.15, in the proportions aforesaid;

And whereas it is necessary and expedient to raise the sum of \$41,000.00, (that sum being the amount of the debt intended to be created and covered by this By-law), to pay the costs of such improvements by the issue of debentures for that amount, bearing interest at 4½ per cent. per annum, payable annually, \$37,285.33 of said sum to be borne by the frontagers or owners benefited as aforesaid, and the balance, \$3,714.67, by the municipality at large; such debentures to be guaranteed by the municipality at large.

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The said sum of \$41,000.00 and interest to be payable in thirty successive annual payments commencing with the year 1906, and to be payable on each first day of December in each of such thirty years respectively, and to issue such debentures in such manner as that the aggregate amount payable for principal and interest in any one year of such years shall be as nearly as may be equal to what shall be payable for principal and interest in each of the other years of such term;

And whereas the total number of feet of sewer so constructed is 44,688 feet, and the amount so paid in cash as aforesaid represents the assessment on 817 of such total feet, and the balance of such total number of feet of frontage is 43,871 feet, liable to such assessment of eighty-five cents per foot, as aforesaid, payable as set out in said recited By-law No. 567;

And whereas for the purposes of paying said debentures it will be necessary during said thirty years to raise by annual special rate the sum of \$2,517.05 in each of the first twenty years thereof, and \$2,517.06 in the remaining years, to pay the principal and interest accruing in each of such years, \$2,193.55 of such sum to be assessed against and paid by the frontagers as aforesaid, and the balance by the municipality at large, as aforesaid;

And whereas the whole amount of the rateable property of the said municipality according to the last revised assessment roll is \$1,383,650.00;

And whereas the amount of the existing debenture debt of the said municipality is \$211,661.61, and no principal or interest is in arrear in respect thereof;

And whereas the assessed value of the whole real property rateable in respect of the frontagers' share or part of the said debt is \$790,770.00;

And whereas the said portion of the said debt last mentioned, viz., the part thereof payable by the frontagers, is created on the security of the special rate settled by this By-law, and on that security only, but the same is to be guaranteed and is hereby guaranteed, by the said municipality of Oshawa at large;

And whereas this By-law is made and passed in pursuance of section 670 of the said Act, being clause referring to short forms of local improvement By-laws, so far as the same is applicable thereto;

Therefore the municipal council of the corporation of the Town of Oshawa enacts as follows:

1. For the purpose only of raising the said sum of \$41,000.00, debentures of said corporation shall be issued to the said amount of \$41,000.00 in the whole in sums of not less than \$100.00 each; each of said debentures shall be dated as of the day of the issue thereof and shall be payable on the first day of December in each year for thirty years, viz., on the first day of December A. D. 1906, and in the next ensuing twenty-nine years.

2. Such debentures shall bear interest at the rate of four and one-half per cent. per annum, payable yearly in each and every year during the currency of the said debentures; and said debentures shall be issued in such manner as that the aggregate amount payable for principal and interest in respect of the debt in any one year of such thirty years shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of thirty years, as aforesaid, as shown in Schedule "B" to this By-law. Each of such debentures shall be signed by the mayor of said corporation, or some other person authorized by By-law to sign the same, and by the treasurer of the said Town of Oshawa, and the clerk shall attach thereto the corporate

corporate seal of the municipality, and the same shall be payable at the office of said treasurer.

3. The said debentures shall bear interest at the said rate of four and one-half per cent. per annum, payable yearly at the office of said treasurer, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the mayor and treasurer of the said Town of Oshawa.

4. During the currency of said debentures, (and for the purpose only of paying the same), that is to say, in the year 1906, and in the then next ensuing twenty-nine years, there shall be raised and levied in said Town of Oshawa in addition to all other rates and levies in each year of the said period of thirty years the sums of \$2,517.05 and \$2,517.06 respectively, as aforesaid, required to be raised annually to retire the said debentures hereby authorized, in manner following, viz.: \$2,193.55 thereof by an annual special rate of five cents per frontage foot on the said real property of the owners or frontagers benefited by said improvements according to the respective frontages thereof by way of a local improvement tax in respect of such improvements, in accordance with the premises and said By-law No. 567; and the balance or sum of \$323.50, or \$323.51 by an annual special rate upon all the rateable property of the said municipality or Town of Oshawa; which said respective special rates shall be annually inserted in the collector's roll for said municipality and collected in the same manner as other rates.

5. This By-law shall come into effect on the date of the final passage thereof.

6. Said schedules shall be read as part of this By-law.

Read a first, second and third time, and passed the ninth day of October, A. D. 1905.

FRED. L. FOWKE,

Mayor.

THOS. MORRIS,

Clerk.

(L S.)

## TOWN OF OSHAWA.

## SCHEDULE A TO THE ANNEXED BY-LAW.

## Summary of Sewer Assessments.

Street.	From	To	Side.	Length of sewer.	Frontage assessment.	Amount at 85c. foot.	Yearly rate at 5c. foot.	—
1 Albert .....	Emma .....	King .....	E	1,867	1,718.6	1,460.73	85.93	Initiation.
2 " .....	" .....	" .....	W	"	1,717.6	1,459.87	85.87	"
3 " .....	" .....	Elm. ....	E	751	843.6	716.98	42.18	"
4 " .....	" .....	" .....	W	"	771	655.35	38.55	"
5 King .....	Albert .....	East End .....	N	1,475	1,362	1,157.70	68.10	"
6 " .....	" .....	" .....	S	"	1,248	1,060.80	62.40	"
7 " .....	" .....	Simcoe .....	N	550	464	394.40	23.20	"
8 " .....	" .....	" .....	S	"	262	222.70	13.10	"
9 " .....	Simcoe .....	Church. ....	N	598	504.6	428.82	25.22	"
10 " .....	" .....	" .....	S	"	486.6	413.53	24.33	"
11 Mary .....	King .....	Richmond .....	E	655	375	318.75	18.75	"
12 " .....	" .....	" .....	W	"	397	337.45	19.85	"
13 Richmond. ....	Mary .....	East End .....	N	264	241	204.85	12.05	"
14 " .....	" .....	" .....	S	"	176	149.60	8.80	"
15 Simcoe .....	King .....	Colborne .....	E	1,305.6	1,010.6	858.92	50.52	"
16 " .....	" .....	William .....	W	"	747.9	635.59	37.39	"
17 " .....	Colborne .....	Road to ball grounds. ....	E	2,082.5	1,961.6	1,667.28	98.08	"
18 " .....	William .....	" .....	W	554	2,192.6	1,863.62	109.62	"

TOWN

## TOWN OF OSHAWA.

## Summary of Sewer Assessments.—Continued.

Street.	From	To	Side.	Length of Street.	Frontage Assessment.	Amount at 85c foot.	Yearly Rate, 5c foot.	
19 Brock	Church	Simcoe	N	554.5	408	346 80	20 40	"
20 "	"	"	S		407.3	346 17	20 37	"
21 Emma	Albert	Celina	N	248	49	41 65	2 45	"
22 "	"	"	S		16.6	14 02	0 82	"
23 Ash	Celina	Simcoe	N	299.5	41.3	35 06	2 06	"
24 "	"	"	S		43	36 55	2 15	"
25 Simcoe	Asle	King	E		1,570.6	1,334 92	78 52	"
26 "	"	Maple	E		1,240	1,054 00	62 00	"
27 "	Maple	Albany	E		1,202	1,021 70	60 10	"
28 "	Lloyd	King	W	1,591.5	1,333	1,133 05	66 65	"
29 "	"	Royal	W	1,885.5	1,640	1,394 00	82 00	"
30 "	Royal	R. S. Hanlin	W	926	883.6	750 97	44 17	"
31 Celina	Emma	King	E	1,804	1,632.9	1,404 84	82 64	"
32 "	Ash	"	W		1,483	1,260 55	74 15	"
33 Lloyd	Simcoe	Centre	N	539	395.9	336 39	19 79	"
34 "	"	"	S		386	328 10	19 30	"
35 Centre	Lloyd	King	E	1,588	1,192.6	1,013 63	59 63	"
36 "	"	"	W		1,298	1,103 30	64 90	"
37 Bruce	Albert	Charles	N	735.5	529.6	450 05	26 45	"
38 "	"	"	S		614.6	522 32	30 72	"
39 Charles	Bruce	King	E	705	649	551 65	32 45	"
40 "	"	"	W		576	489 60	28 80	"
41 Athol	Albert	Charles	N	744	468.6	398 22	23 42	"



42	"	"	"	"	"	"	565.3	480 47	28 27	"
43	"	Charles.	"	"	Easterly	"	345	206 77	12 17	"
44	"	"	"	"	"	"	243.3	191 25	11 25	"
45	Colborne	Simcoe	"	"	East End.	"	225	757 35	44 55	"
	"	"	"	"	"	"	891	787 52	46 32	"
							926.6			
							37,409.3	\$31,797 84	\$1,870 44	Petition.
46	Division	King	"	"	William	"	984	645 58	37 98	"
47	"	"	"	"	"	"	825	701 24	41 24	"
48	Athol	Simcoe	"	"	Centre	"	479	241 40	14 20	Petition.
49	Athol	Simcoe	"	"	"	"	284	313 22	18 42	"
50	Bond.	Wellington	"	"	Easterly	"	647	476 00	28 00	"
51	"	"	"	"	"	"	560	328 73	19 33	"
52	Celina.	Emma	"	"	Maple	"	386.9	1,015 75	59 75	"
53	"	"	"	"	"	"	1,289	1,079 93	63 53	"
54	King	Church.	"	"	Westerly	"	1,270.6	268 18	15 78	"
55	"	"	"	"	"	"	338	316 63	18 63	"
56	Wellington	"	"	"	"	"	340	129 20	7 60	"
57	"	King	"	"	Bond.	"	152	166 60	9 80	"
58	Athol	East of	"	"	Charles.	"	196	251 60	14 80	"
	"	"	"	"	"	"	300	252 88	14 88	"
							297.6			
							7,278.9	6,186 94	\$363 94	
							37,409.3	31,797 84	1,870 44	
							7,278.9	6,186 94	363 94	
Totals							44,688	\$37,984 78	\$2,234 38	

## SCHEDULE

Totals

## SCHEDULE "B" REFERRED TO IN THE ANNEXED BY-LAW.

	Interest.	Principal.	Total.
1	\$1,845 00	\$672 05	\$2,517 05
2	1,814 76	702 29	2,517 05
3	1,783 15	733 90	2,517 05
4	1,750 13	766 92	2,517 05
5	1,715 62	801 43	2,517 05
6	1,679 55	837 50	2,517 05
7	1,641 87	875 18	2,517 05
8	1,602 48	914 57	2,517 05
9	1,561 32	955 73	2,517 05
10	1,518 33	998 72	2,517 05
11	1,473 37	1,043 68	2,517 05
12	1,426 41	1,090 64	2,517 05
13	1,377 33	1,139 72	2,517 05
14	1,326 05	1,191 00	2,517 05
15	1,272 45	1,244 60	2,517 05
16	1,216 44	1,300 61	2,517 05
17	1,157 91	1,359 14	2,517 05
18	1,096 75	1,420 30	2,517 05
19	1,032 84	1,484 21	2,517 05
20	966 05	1,551 01	2,517 06
21	896 25	1,620 81	2,517 06
22	823 32	1,693 74	2,517 06
23	747 10	1,769 96	2,517 06
24	667 45	1,849 61	2,517 06
25	584 22	1,932 84	2,517 06
26	497 24	2,019 82	2,517 06
27	406 35	2,110 71	2,517 06
28	311 37	2,205 69	2,517 06
29	212 11	2,304 95	2,517 06
30	108 39	2,408 67	2,517 06

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\$41,000 00

## CHAPTER 87.

## An Act respecting the City of Ottawa.

*Assented to 14th May, 1906.*

WHEREAS the Corporation of the City of Ottawa has, Preamble.  
by petition, represented that it has constructed and is operating a system of water works under the authority of a Special Act of this Legislature, and not under *The Municipal Act*, and that it was authorized by section 5 of the Act passed in the third year of His Majesty's reign, Chaptered 72 to borrow by a special issue of debentures a sum not exceeding \$50,000 for the purpose of extending and enlarging the water mains in certain streets of the said city, but that the said power was not exercised within the time limited by the said Act, and has lapsed, and that the said sum has been found to be insufficient for the said purpose; and has prayed that it may be authorized to borrow the sum of \$100,000 by a special issue of debentures, as hereinafter mentioned, to provide for the cost of the said work; and whereas the said Corporation has further prayed that By-law Number 2,519 of the said Corporation, passed at the request of The Ottawa Improvement Commission, may be validated and confirmed; and whereas the said Corporation has further prayed that certain local improvement by-laws passed by the Council of the said Corporation may be validated and confirmed; and whereas the said Corporation has by the said petition further represented that the sum authorized by *The Consolidated Municipal Act, 1903*, to be expended in the reception and entertainment of distinguished guests is inadequate, and has prayed that it may be authorized to include in its annual estimates a sum to be expended for such purposes, not exceeding \$3,000; and whereas the said Corporation has further prayed that it may be authorized to provide by by-law for the establishment of a Board of Control, to consist of four Controllers and the Mayor, the said Controllers to be elected from the said city at large; and whereas the said Corporation has by the said petition further represented that the sum which the Public Library committee may expend for the maintenance

tenance and management of the Public Library in the said City of Ottawa in any one year is limited to \$7,500, and has prayed that the said committee be authorized to expend for such purposes a sum not exceeding \$10,000 in any year; and whereas it is expedient to grant the prayers of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Debentures for  
\$100,000 for ex-  
tension of  
water mains.

1. The Corporation of the City of Ottawa may borrow, upon a special issue of debentures bearing interest at such rate as the Council of the said Corporation may determine, and payable in forty years from the date thereof, a sum not exceeding \$100,000, for the purpose of extending and enlarging the water mains in certain streets of the said city.

Assent of  
electors not  
required.

2. The by-law to be passed under the foregoing section shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof.

Special rate for  
payment of  
debentures.

3. For the payment of the debt and interest represented by the said debentures there shall be annually raised during the currency of the said debentures, with the authority conferred upon the said Corporation in and by the Act passed in the 35th year of the reign of Her late Majesty, Queen Victoria, Chaptered 80, and intituled "*An Act for the Construction of Water Works for the City of Ottawa*," by the said Corporation from the water rates a sum sufficient to discharge the said debt and interest when the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance and the cost of renewals in connection with the said water works, and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said water works, or to be charged against the said water rates by any Act of this Legislature; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said Corporation according to the then last revised assessment roll thereof a sum sufficient to make good such deficiency.

By-law No. 2519  
regulating  
building in cer-  
tain districts.

4. By-law number 2519 of the said Corporation, intituled "A by-law to regulate the mode of construction of buildings within that area in the City of Ottawa, bounded by

McKay



McKay Street, Bellevue Terrace, to the north side of McTaggart Street, and Sussex Street from the north side of McTaggart Street to the south side of Bolton Street and the Ottawa River," which by-law is set out in Schedule "A" to this Act, is validated and confirmed.

5. The by-laws heretofore passed by the Council of the said Corporation, authorizing the construction of works as local improvements and the borrowing of money for the payment of the cost of the construction of such works and all debentures issued or to be issued thereunder, which by-laws are set out in Schedule "B" to this Act, and all assessments made or to be made, and all rates levied, or to be levied under the said by-laws, or any of them, for the payment of the said debentures, are validated and confirmed.

Local improvement by-laws confirmed.

6. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or in any other Act of this Legislature, the Council of the said Corporation may include in its annual estimates a sum not exceeding \$3,000 to be expended in the reception and entertainment of distinguished guests.

Limit of amount for receptions and entertainments

7.—(1) Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or in any other Act of this Legislature, the Council of the said Corporation may provide by by-law that the said council shall, from and after the municipal elections next ensuing in the said City, after the passing of such by-law, consist of four Controllers to be elected from the city at large in addition to the Mayor and aldermen, and that the Controllers so elected, together with the Mayor, shall be the Board of Control for the said city.

Controllers and Council.

Provided that the said by-law shall not be finally passed until a majority of the electors qualified to vote at municipal elections voting thereon has voted in the affirmative on the question, "Are you in favour of the establishment of a Board of Control and of the reduction of the number of aldermen to two for each ward?"

(2) In and by the said by-law or by any subsequent by-law the said Council may fix the salaries to be paid to the members of the said Board of Control other than the Mayor, but the same shall not exceed for each member the sum of \$400 per annum.

Salaries of Controllers.

(3) In the event of the said by-law being passed, the elections of the said Controllers shall be governed by subsections (2), (3), (4), (5) and (6) of section 276b of *The Consolidated Municipal Act, 1903*, as amended by sections 12, 13 and 14 of *The Municipal Amendment Act, 1905*.

Election of controllers. Application of s. 276b, VII, c. 19.

Powers of  
board.

(4) Subsection (3) of section 276, subsection (7) of section 276b, and section 277 of *The Consolidated Municipal Act, 1903*, shall apply to any Board of Control constituted under this Act.

Expenditure  
for maintain-  
ance of library.

8. Notwithstanding anything contained in subsection 3 of section 16 of By-law No. 2,151 of the said Corporation, set forth as Schedule "A" to the Act passed in the second year of the reign of His Majesty King Edward VII., Chaptered 55, a sum not exceeding \$10,000 exclusive of interest and sinking fund may be expended in each year in maintaining and managing the Public Library, reading room, museum and evening classes.

#### SCHEDULE "A."

##### BY-LAW No. 2,519.

A By-law to regulate the mode of construction of buildings within that area in the City of Ottawa bounded by McKay street, Bellevue Terrace to the north side of McTaggart street, and Sussex from the north side of McTaggart to the south side of Bolton street and the Ottawa river.

Whereas the Ottawa Improvement Commission has requested the council of the corporation of the City of Ottawa to pass a by-law to regulate the mode of construction of buildings to be erected within that area in the City of Ottawa hereinafter described;

And whereas it is desirable in the public interest that the mode of construction of buildings to be erected within the said area should be regulated;

And whereas this by-law before the final passing thereof was published in full twice in each week for four consecutive weeks in "The Citizen," "The Evening Journal," "The Free Press" and "Le Temps," daily newspapers published in the said City of Ottawa with a notice appended thereto stating the date when the said council proposed to take the same into consideration;

Therefore the municipal council of the corporation of the City of Ottawa enacts as follows:—

1. No building shall be erected within that area in the City of Ottawa bounded by McKay street, Bellevue Terrace to the north side of McTaggart street, and Sussex street from the north side of McTaggart to the south side of Bolton street, and the Ottawa river, except of stone, solid brick or cement blocks.

2. The top or highest point of any building to be erected within the said area shall not be above an elevation of 70.20 feet city datum (zero city datum being the elevation of the lower lock sill of the Rideau Canal at the said City of Ottawa).

3. Any person or persons who shall be guilty of any infraction or breach of this by-law or non-compliance with any of the requirements thereof shall upon conviction thereof before the police magistrate, mayor, justice or justices of the peace having jurisdiction in the matter forfeit and pay such fine as the police magistrate, mayor, justice or justices convicting shall inflict, of not less than one dollar and not more than fifty dollars, together with the costs of prosecution, and in default of payment thereof the same shall be collected by distress and sale of the goods and chattels of the offender, and in case of non-payment of the fine inflicted for any such breach and there being no distress found out of which the

same can be levied such offender shall be imprisoned in the common gaol of the County of Carleton, with or without hard labour, for any time in the discretion of the police magistrate, mayor, justice or justices convicting, not exceeding six months unless such fine and costs be sooner paid.

Given under the corporate seal of the City of Ottawa this 16th day of October, 1905.

Certified,

(Sgd.) JOHN HENDERSON,  
City Clerk.

(Sgd.) J. A. ELLIS,  
Mayor.

SCHEDULE "B"

BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAID THE RATEPAYERS' SHARE  
OF COST OF CERTAIN LOCAL IMPROVEMENT WORKS.

No. of by-law.	Nature of Work under By-law.	When passed by council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Rate of interest.
			C.	\$	\$		
2374	Sewers.....	16 May 1904	63,579 01	14,267 16	49,311 85	20 years	4 per cent
2375	Sewers.....	16 May 1904	6,386 06	2,250 05	4,136 01	20 years	4 per cent
2460	Sewers.....	1 May 1905	15,449 34	2,891 89	12,557 45	20 years	4 per cent
2461	Tar macadam pavements.....	1 May 1905	18,324 85	9,974 94	8,349 91	10 years	4 per cent
2462	Asphalt pavements.....	1 May 1905	84,998 73	44,050 09	40,948 64	20 years	4 per cent
2463	Plank sidewalks.....	1 May 1905	3,039 43	1,454 71	1,584 72	5 years	4 per cent
2464	Plank sidewalks.....	1 May 1905	419 88	180 01	239 87	5 years	4 per cent
2465	Concrete sidewalks.....	1 May 1905	8,620 74	4,605 03	4,024 71	10 years	4 per cent
2466	Concrete sidewalks.....	1 May 1905	16,942 89	9,085 91	7,856 98	10 years	4 per cent
2467	Concrete sidewalks.....	1 May 1905	5,963 63	2,846 63	3,117 00	10 years	4 per cent
2468	Concrete sidewalks.....	1 May 1905	24,104 03	12,811 97	11,292 06	10 years	4 per cent
2469	Concrete sidewalks.....	1 May 1905	17,048 70	8,518 74	8,529 96	10 years	4 per cent



BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAY THE CITY'S SHARE OF CERTAIN LOCAL  
IMPROVEMENT WORKS.

No. of by-law.	Nature of work under by-law.	When passed by Council.	Amount of debt created.	Amount to be borne by city.	Period of payment.	Rate of interest.
			\$	\$		c.
2376	Asphalt pavements.	16 May, 1904	8,932 31	8,932 31	20 years.	3½ per cent.
2377	Concrete sidewalks.	16 May, 1904	17,763 75	17,763 75	10 years.	3½ per cent.
2378	Tar macadam pavement	16 May, 1904	3,213 12	3,213 12	10 years.	3½ per cent.
2379	Sewers	16 May, 1904	16,517 21	16,517 21	20 years.	3½ per cent.
2380	Plank sidewalks	16 May, 1904	1,554 92	1,554 92	5 years.	3½ per cent.
2470	Street openings	1 May, 1905	11,794 23	11,794 23	20 years.	4 per cent.
2471	Sewers	1 May, 1905	2,891 89	2,891 89	20 years.	4 per cent.
2472	Tar macadam pavements.	1 May, 1905	9,974 94	9,974 94	10 years.	4 per cent.
2473	Asphalt pavements.	1 May, 1905	44,050 09	44,050 09	20 years.	4 per cent.
2474	Plank sidewalks.	1 May, 1905	1,634 72	1,634 72	5 years.	4 per cent.
2475	Concrete sidewalks.	1 May, 1905	7,451 66	7,451 66	10 years.	4 per cent.
2476	Concrete sidewalks.	1 May, 1905	9,085 91	9,085 91	10 years.	4 per cent.
2477	Concrete sidewalks.	1 May, 1905	21,330 71	21,330 71	10 years.	4 per cent.

CUMULATIVE BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES CONSOLIDATING THE BROKEN AMOUNTS,  
BEING THE RATEPAYERS' SHARE NAMED IN CERTAIN LOCAL IMPROVEMENT BY-LAWS.

No. of by- law.	Nature of work under by-law.	When passed by Council.	Total cost of works.  \$      c.	Amount to be borne by city.  \$      c.	Amount to be borne by ratepayers.  \$      c.	Period of payment.	Rate of interest.
2381	Concrete sidewalks, Tar macadam pavements.....	16 May, 1904.	44,459 26	21,076 87	23,382 39	10 years	4 per cent.
2382	Plank sidewalks.....	16 May, 1904.	3,355 91	1,554 92	1,800 99	5 years	4 per cent.
2383	Asphalt pavement, Sewers.....	16 May, 1904.	90,331 89	25,449 52	64,882 37	20 years	4 per cent.
2498	Tar macadam pavements, Concrete sidewalks.....	19 June, 1905.	91,013 84	49,843 22	43,170 62	10 years	4 per cent.
2499	Plank sidewalks.....	19 June, 1905.	3,459 31	1,634 72	1,824 59	5 years	4 per cent.
2500	Street openings, Sewers, Asphalt pavements.....	19 June, 1905.	120,204 90	58,736 21	61,468 69	20 years	4 per cent.

## CHAPTER 88.

## An Act respecting the City of Peterborough.

*Assented to 14th May, 1906.*

WHEREAS the Corporation of the City of Peterborough has by petition represented that by proclamation of His Honour, the Lieutenant-Governor in Council, dated the 9th day of December, 1903, by which the Village of Ashburnham was added to the Town of Peterborough, it is directed that the United Municipality should within two years from the union construct an outfall sewer and septic tank in that part of the said United Municipality which consisted of the Village of Ashburnham and is now ward number five of the said City, and that debentures of the Town of Peterborough be issued to pay therefor, but that no provision was made for the issue of such debentures and that the contract for said work has been let and the same is nearly completed, and that it is necessary that an issue of debentures should be authorized to pay for the cost thereof, which will not exceed \$12,000; that the debentures authorized by By-law number 1077 passed on the 20th May, 1904, being a by-law to provide for borrowing \$50,000 to purchase a site for and to pay for the erection and equipment of a Collegiate Institute have not been issued although the site has been purchased, but the building has not yet been proceeded with, and it is desirable that the time for issuing such debentures may be extended; that during freshets large quantities of water from the Townships of Smith and Douro, adjoining the City of Peterborough, flow through Wards numbers 3 and 4 and Ward number 5 of the said City in certain water courses or drains which are at other times dry, and by overflowing the banks, damage public and private property, and it is possible to divert said water and turn it into the river at points nearer where it enters the city limits and thus prevent such flooding, and petitions signed by the persons through whose property the said water courses in Ward number 5 run have been received asking for the same, and the water courses in Wards numbers 3 and 4 being almost entirely on public property

property, it is desirable that this should be done and the cost thereof paid by general tax, and that authority should be given for that purpose; that in the year 1893 a certain drain was constructed in Wards numbers 1 and 2 of the said city and debentures were issued under By-law number 689 to pay for the cost thereof and the interest and sinking fund of the portion payable by the ratepayers by special rate on the lands benefited has been paid up to the present, but owing to the construction of sewers in the locality through which the said drain extends, the same is not now of value to the said lands and the said property is now assessed for the said sewers, and it is inequitable that the same property should be assessed for both said drain and sewers and that the amount payable by the ratepayers by special rate on the lands benefited being the sum of \$311.44 per year for the next eight years, should be paid by a general tax and that the council of the said city should be authorized to pass a by-law providing for the same; and whereas the said corporation has by its petition further represented that it is desirable that By-law number 1177, passed on the twenty-fifth day of September, 1905, to aid P. Downham in the establishment of a creamery by a fixed assessment of \$1,000 for five years, set forth as Schedule "A" hereto; By-law number 1185, passed on the fourth day of December, 1905, to aid The Central Milling Company (Limited), by a fixed assessment of \$12,000 for ten years, set forth as Schedule "B" hereto, and By-laws numbers 1148, 1149, 1150, 1151, and 1199, specified in Schedule "C" hereto, be ratified and confirmed; and whereas the value of the whole rateable property of the said city, according to the last revised assessment roll, is the sum of \$6,663,626, and the existing debenture debt exclusive of local improvement debts is the sum of \$626,854.46, and no part of the principal or interest thereof is in arrear; and whereas the said corporation has prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition to the extent hereinafter set out;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Authority to borrow \$12,000 for construction of sewer and septic tank.

1. It shall be lawful for the council of the corporation of the City of Peterborough, without the assent of the ratepayers of the said municipality, to pass a by-law for the purpose of providing for and authorizing the borrowing on the credit of the municipality of a sum not exceeding \$12,000, to pay the cost of and incidental to the construction of the outfall sewer and septic tank in ward number 5 of the said city, including any extras and the engineering



engineering and inspection expenses in connection therewith and the price of the lands purchased for the purposes of the construction of such outfall sewer and septic tank and to issue the debentures of the corporation therefor, to be payable within thirty years from the date of issue of the same and sell and dispose of the same, and the said by-law when passed and the debentures issued thereunder shall be legal, valid and binding.

2. Notwithstanding the provisions of section 384 of *The Consolidated Municipal Act, 1903*, the debentures to be issued under By-law number 1077 of the said corporation passed on the twentieth day of May, 1904, need not be dated and issued all at one time, but said debentures may be dated when issued respectively, and may be issued in instalments of such amounts (not exceeding in the aggregate the total amount authorized by the said by-law) and at such times within five years from the passing of this Act as the council of the said corporation may direct.

Issue of debentures under by-law No 1077.

3. It shall be lawful for the council of the said corporation to proceed with the drainage works and diversion of the water course in ward number 5 of the said city according to the report, specifications and detailed estimates and plans prepared for the same by the City Engineer and filed in the office of the city clerk with power to enter upon any lands in the said municipality and to do all things and take all proceedings necessary for that purpose, and the cost of and incidental to such drainage works shall be payable by the municipality at large by general tax on the whole rateable property of the municipality.

Drainage works in ward 5, authorized.

4. It shall be lawful for the council of the said corporation for the purpose of providing for the diversion of a water-course in wards numbers 3 and 4 of the said city to construct a drain from the right of way of the Grand Trunk Railway to the River Otonabee along either Barnardo Avenue and through Inverlea Park or along Edinburgh Street, with power to enter upon any lands in the municipality and to do all things and take all proceedings necessary for that purpose, and the cost of and incidental to such work shall be payable by the municipality at large by a general tax on the whole rateable property of the municipality.

Diversion of water-course in wards 3 and 4.

5. It shall be lawful for the council of the said corporation having first obtained the assent of the ratepayers of the said city qualified to vote on money by-laws, to pass a by-law authorizing the borrowing on the credit of the municipality of a sum not exceeding \$8,000, to pay the cost of the said works authorized by sections

Authority to borrow \$8,000 for construction of certain drainage works.

3 and 4 hereof, and to issue the debentures of the corporation therefor to be payable within thirty years from the date of the issue of the same, and to sell and dispose of the same, and the said by-law when passed and the debentures issued thereunder shall be legal, valid and binding.

Payment of  
debentures  
under by-law  
189 out of gen-  
eral rate.

6. It shall be lawful for the council of the said corporation, with the assent of the ratepayers qualified to vote on money by-laws, to pass a by-law to provide that all future payments of interest and sinking fund on the debentures issued under By-law number 689 of the said city shall be paid by general tax sufficient for that purpose on the whole rateable property of the municipality.

By-law No.  
1177, fixing  
assessment  
P. Downham,  
confirmed.

7. Subject to the provisions of section 9, By-law number 1177 of the said corporation, passed on the twenty-fifth day of September, 1905, intituled, "A by-law to aid P. Downham in the establishment of a Creamery in the City of Peterborough" by a fixed assessment of \$1,000 for a period of five years, which by-law is set out as Schedule "A" hereto is hereby confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

By-law No.  
1185, fixing  
assessment of  
Central Milling  
Co., confirmed.

8. Subject to the provisions of section 9, By-law number 1185 of the said corporation, passed on the fourth day of December, 1905, intituled, "A By-law to aid the Central Milling Company (Limited)," by a fixed assessment of \$12,000 for a period of ten years, which by-law is set out as Schedule "B" hereto is hereby confirmed and declared legal, valid and binding, according to the true intent and meaning thereof.

Fixed assess-  
ments not to  
include school  
purposes.

9. Notwithstanding anything contained in By-laws numbers 1177 and 1185, the fixing of the assessment as therein provided for shall not affect or apply to taxation for school purposes, and the lands and properties mentioned in the said by-laws shall for school purposes be assessed and be liable to taxation as though the said by-laws had not been passed.

By-laws set out  
in Sched. C.,  
confirmed.

10. By-laws numbers 1148, 1149, 1150, 1151 and 1199 of the said corporation specified in Schedule "C" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof are hereby confirmed and declared to be legal, valid and binding.

SCHEDULE

## SCHEDULE A.

## BY-LAW NUMBER 1177.

A By-law to aid P. Downham in the establishment of a Creamery in the City of Peterborough, passed the 25th day of September, 1905.

Whereas P. Downham has represented to the council of the City of Peterborough that he proposes to establish a creamery in the said city, and has purchased for that purpose the following parcel of land, namely, part of lot number eight north of Simcoe Street and west of George Street, in the said City of Peterborough, described as follows: Commencing in the eastern limit of said lot at the distance of five feet southerly from the northeast angle thereof, thence southerly along said eastern limit forty-nine feet, thence westerly parallel with the northern limit of said lot to the western limit thereof, thence northerly along said western limit forty-nine feet, and thence easterly parallel to said northern limit to the place of beginning, and proposes to erect thereon a one-storey brick building not less than fifty feet long by not less than thirty-five feet wide, such building to conform in all respects, except as to the height thereof, to the building by-law, and to be equipped with suitable machinery for manufacturing dairy products, and to operate the same substantially according to the capacity thereof for at least ten months in each year, and has requested the said council to aid him by fixing the assessment of the said land, buildings, machinery and fixtures at the sum of one thousand dollars for the period of five years, and it is desirable and in the public interest to grant the said request, subject to the confirmation thereof by the Legislature.

The corporation of the City of Peterborough, by the council thereof, therefore, enacts as follows:—

1. This by-law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario.

2. Provided the said P. Downham shall, within six months from the passing of this by-law, erect, complete and equip with suitable and sufficient machinery and appliances on the land above described a one-storey brick building of the size above mentioned, and have the same in operation, the said land and the buildings, plant, machinery and fixtures thereon used exclusively for the purpose of manufacturing dairy products, on which taxes are to be levied, and including the business assessment thereof, shall be fixed and remain fixed at the sum of one thousand dollars for a period of five years, computing from the first day of January, 1906, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly, but the said land shall also be liable for all frontage and local improvement assessments, rates and taxes that may be charged against the same; provided, however, that if at any time within the said term of five years the said building shall not be bona fide used for the purposes aforesaid substantially according to the capacity thereof for the period of at least ten months in each year, then such fixed assessment shall cease, and the said land, building, plant, machinery and fixtures shall be assessed, and the said business assessment shall be fixed as provided by the *Assessment Act* then in force; provided, however, that in the event of the said non-user, being occasioned by the destruction of the said building by fire, six months from the date of the said fire shall be allowed for rebuilding and getting the said manufactory into operation, and, if the said manufactory is completed and in operation within the said period of six months such non-user occasioned by the destruction by fire as aforesaid shall not be taken to put an end to the said fixed assessment.

3. The said P. Downham shall, prior to the first day of March in each year, file with the city clerk a statutory declaration made by himself, proving that he has complied with and is observing all the terms, conditions and provisions of this by-law, and, on his neglect to furnish such declaration, it shall be prima facie taken that such terms, conditions and provisions have not been performed, observed and kept.

4. Notwithstanding the provisions of by-law number 612 of the corporation, the said P. Downham shall be permitted to erect on the land above described a one-storey brick building of the size above mentioned, provided the said building shall conform in all other respects with the provisions of the said by-law.

(Sgd.) HENRY BEST,  
Mayor.

(Seal)

(Sgd.) S. R. ARMSTRONG,  
Clerk.

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#### SCHEDULE B.

##### BY-LAW NUMBER 1185.

A by-law to aid the Central Milling Company, Limited, passed the 14th day of December, 1905.

Whereas the Central Milling Company has represented to the council of the City of Peterborough that the said company has leased from the Canadian Pacific Railway Company certain land in the city of Peterborough, being composed of part of lots numbers one and two south of Dalhousie Street and west of George Street, described as follows: Commencing on the south side of Dalhousie Street at a point therein at which a line drawn as a continuation northeasterly of the southeastern wall of the office of the said Central Milling Company, Limited, would intersect the same, thence southwesterly along said line and along the southeastern wall of the said office and the mill, elevator and storehouse of the said company two hundred and twenty-seven feet, more or less, to the southwest corner of the said storehouse, thence northwesterly along the southwestern wall of the said storehouse and continuing in the same course in all fifty feet, thence northeasterly parallel with the northwestern wall of the storehouse to the westerly end of the old Wrighton office (now used as a bag room), thence northwesterly along the westerly wall of said bag room to the northwest corner thereof, thence northeasterly along the northerly wall of said bag room to the northeast corner thereof, and thence southeasterly along the easterly wall of said bag room to a point fifty feet northeasterly in a direct line from the southeasterly wall of said storehouse, thence northeasterly parallel with and fifty feet distant from the said southeast wall of said storehouse, elevator and mill to Dalhousie Street, and thence along the south side of Dalhousie Street to the place of beginning, and has erected thereon a grain elevator, an office, and a flour mill having a capacity of two hundred barrels per day of twenty-four hours, and employing at least fifteen hands, and is doing an extensive flour milling business in the said city, and that other manufacturers engaged in the said business in the said city have been assisted by having their assessments fixed at a certain sum for a certain period, and that the said company is entitled to similar treatment;

And



And whereas it is desirable and in the public interest to accede to the said request, and to pass a by-law fixing the assessment of the said company at the sum of twelve thousand dollars for a period of ten years, subject to the confirmation of such by-law by the Legislature.

The corporation of the City of Peterborough, by the council thereof, therefore, enacts as follows:—

1. This by-law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario.

2. The assessment of the said land and the buildings, plant, machinery and fixtures thereon used exclusively for manufacturing purposes on which taxes are to be levied, including the business assessment thereof, shall be fixed and remain fixed at the sum of twelve thousand dollars for a period of ten years, commencing on the first day of January, 1906, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly, but the said land shall also be liable for all frontage and local improvement assessments, rates and taxes that may be charged against the same, provided, however, that if the said land and buildings shall cease to be bona fide used for the manufacturing of flour within the said term of ten years, or if the said company shall within the said term of ten years fail or neglect to carry on the said business in the said premises substantially according to the capacity thereof for a period of twelve consecutive months, then such fixed assessment shall cease, and the said land, buildings, plant, machinery and fixtures shall be assessed, and the said business assessment shall be fixed as provided by the *Assessment Act* then in force.

3. The said company shall, prior to the first day of March in each year, file with the city clerk a statutory declaration made by an officer of the company, who shall therein state his knowledge of the facts, proving that the company has complied with and is observing all the terms, conditions and provisions of this by-law, and, on the neglect of the said company to furnish such declaration, it shall be prima facie taken that such terms, conditions and provisions have not been performed, observed and kept.

(Sgd.) HENRY BEST,  
Mayor.

(Seal)

(Sgd.) S. R. ARMSTRONG,  
Clerk.

## SCHEDULE C.

Particulars of by-laws confirmed by section 10 of the foregoing Act.

No.	Object.	When passed by Council.	Amount of debt created.	Period of pay- ment. Years.	Rate of inter- est. Per cent.
1148	Local improvement debentures for share of cost of grano- lithic sidewalks con- structed in 1904, payable by local special rate .....	16 May, 1905.	\$7,897 41	20	4
1149	Local improvement debentures for share of cost of grano- lithic sidewalks con- structed in 1904, payable by the cor- poration ... ..	16 May, 1905.	6,026 60	20	4
1150	Local improvement debentures for share of cost of sewers constructed in 1904, payable by the cor- poration ... ..	16 May, 1905.	1,771 05	30	4
1151	Local improvement debentures for share of cost of sewers constructed in 1904, payable by local special rates .....	16 May, 1905.	7,614 02	30	4
1199	Debentures for the purchase of a site and to pay for the erection and equip- ment of a fire hall, etc. ... ..	8 January, 1906.	25,000 00	20	4

## CHAPTER 89.

## An Act respecting the Town of Petrolia.

*Assented to 14th May, 1906.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.  
Petrolia has by petition represented that By-law No. 754 specified in Schedule "A" hereto authorizing the borrowing of \$6,143.18 by the issue of debentures for the construction of granolithic sidewalks was finally passed on the 10th day of July, 1905, and that By-law No. 769, specified in Schedule "B" hereto, authorizing the borrowing of \$4,025.88 by the issue of debentures for the construction of cement sidewalks was finally passed on the 19th day of February, 1906; and whereas the said corporation has prayed that the said by-laws should be confirmed in order to enhance the value of the debentures; and whereas the said corporation has further represented that one Robert Anderson and one Adam Murray, manufacturers, have agreed to erect in said town a plant for the making of gas engines and kindred mechanical devices, and to employ a certain number of men continuously therein; that said Anderson and Murray have requested and a large number of the ratepayers of said corporation have petitioned that the assessment of the plant and property of said manufacturers should be fixed at \$2,000 for ten years, and be supplied with free water for a like period; that the assessment of the land on which said plant is to be erected is now only \$500; that by reason of said corporation owning its own waterworks system, and of said manufacturers proposing to operate said plant with power supplied by gas engines, the amount of water required will be comparatively small and will be furnished at practically no additional expense to said corporation; that in pursuance of said ratepayers' petition said corporation passed by-law number 775, set out as Schedule "C" hereto; and it is desirable that the said by-law be confirmed; and whereas no objections have been raised to any of the said by-laws, nor to the confirmation thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos.  
754 and 769 of  
town of  
Petrolia con-  
firmed.

1. By-laws numbered 754 and 769 of the Municipal Corporation of the Town of Petrolia, more particularly referred to in Schedules "A" and "B" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby confirmed and declared to be legal, valid and binding.

By-law No. 775  
of town of  
Petrolia con-  
firmed.

2. By-law number 775 of said municipal corporation, intituled "A by-law to fix the assessment of Anderson and Murray, manufacturers at the sum of \$2,000 for ten years and to grant them free water during same period on certain conditions," which by-law is set out as Schedule "C" hereto is confirmed and declared to be legal, valid and binding.

#### SCHEDULE "A."

By-law numbered 754 of the municipal corporation of the Town of Petrolia, entitled, "A By-law to provide for borrowing \$6,143.18 by the issue of debentures secured by local special rates, and otherwise, for the construction of granolithic sidewalks in the Town of Petrolia."

Street and Section.	Total cost of work.	Town's pro- portion.	Ratepay- er's pro- portion.	Period of years.	Rate of interest %.
South side of School Street from the east side of Chestnut Street to the east side of Greenfield Street, a total distance of 370 feet .....	\$176 98	\$ 88 01	\$ 88 97	20	4
West side of Tank Street, from the north side of Petrolia Street to the north side of Railroad Street, a total distance of 277 feet .....	224 60	106 85	117 75	20	4
East side of West Street, from the south side of Petrolia Street to the south side of Annie Street, a total distance of 368 feet .....	183 35	93 74	89 61	20	4
East side of First Avenue, from the north limit of Sixth Street southerly to the line between sub. lots 67 and 66, a total distance of 700 feet .....	343 00	151 90	191 10	20	4
East side of First Avenue, from the north side of Petrolia Street to the north side of Sixth Street, a total distance of 1,090 feet .....	651 65	371 89	279 76	20	4



Street and Section.	Total cost of work.	Town's pro- portion.	Ratepayer's proportion.	Period of years.	Rate of in- terest %.
South side of Victoria Avenue, from the west side of Queen Street to the east side of Princess Street, a total distance of 410 feet .....	209 43	86 83	122 60	20	4
North side of Petrolia Street, from a point opposite the line between lots 11 and 12, Daniel's survey, easterly to a point 200 feet east of the easterly limit of sub. lot 1, Fairbank's survey, a total distance of 2,444 feet .....	1,094 61	471 67	622 94	20	4
North side of Dufferin Avenue, from the west side of King Street to the west side of Maude Street, a total distance of 1,342 feet .....	822 53	398 52	424 01	20	4
North side of Dufferin Avenue, from the west side of Greenfield Street to the west side of King Street, a total distance of 800 feet....	461 47	238 17	223 30	20	4
South side of Third Street, from the east side of First Avenue to the west side of Fourth Street, a total distance of 755 feet .....	346 76	151 12	195 64	20	4
South side of Railroad Street, from the west side of Tank Street, westerly, a distance of 390 feet .....	197 14	78 86	118 28	20	4
North side of Railroad Street, from the east side of Tank Street, westerly, a distance of 423 feet .....	229 37	102 48	126 89	20	4
West side of Tank Street, from the north side of Railroad Street, northerly, a distance of 352 feet .....	189 87	75 95	113 92	20	4
South side of Dufferin Avenue, from the west side of King Street to the east side of Huggard Street, total distance of 1,611 feet .....	1,012 42	573 88	438 54	20	4
Total .....	\$6,143.18	\$2,989 87	\$3,153 31		

## SCHEDULE "B."

By-law numbered 769 of the municipal corporation of the Town of Petrolia, entitled "A By-law to provide for borrowing \$4,025.88 by the issue of debentures secured by local special rates and otherwise for the construction of cement sidewalks in the Town of Petrolia."

Street and Section.	Total cost of work.	Town's pro- portion.	Ratepayer's proportion.	Period of years.	Rate of inter- est %.
West side of Maude Street, from the south- erly limit of the pre- sent walk on the south side of Dufferin Avenue, south, a distance of 557½ feet .....	\$327 60	\$133 69	\$193 91	20	4½
West side of Fourth Street, from the south side of Petrolia Street to the south limit of Fifth Street, a distance of 760 feet .....	370 50	186 22	184 28	20	4½
East side of Fourth Street, from the south side of Petrolia Street southerly to a point opposite the line be- tween lots 122 and 123 on the east side of Fourth Street, a dis- tance of 638 feet .....	302 00	137 27	164 73	20	4½
East side of Hartford Street, from the south side of Petrolia Street to the north side of North Street, a dis- tance of 349 feet .....	183 75	104 78	78 97	20	4½
North side of North Street, from Hartford Street easterly to a point 28 feet east of the westerly limit of Wood Street, a distance of 1,205 feet .....	555 00	240 80	314 20	20	4½
Southwesterly side of Queen Street, from the southwesterly side of Wellington Street to a point 108 feet southeast of Grove Street, a dis- tance of 577 feet .....	341 70	178 96	162 74	20	4½
East side of Princess Street, from its inter- section with the north westerly side of Nelson Street to the C. S. R. right of way, a distance of 267½ feet .....	144 00	72 20	71 80	20	4½

Street and Section.	Total cost of work.	Town's pro- portion.	Ratepayer's proportion.	Period of years.	Rate of in- terest %.
Southeasterly side of Nelson Street, from Queen Street to Princess Street, a distance of 751½ feet .....	401 00	195 62	205 38	20	4½
East side of Centre Street, from Petrolia Street north to the north limit of the lane in rear of lots fronting on Petrolia Street, a distance of 130 feet ...	93 23	45 89	47 34	20	4½
East side of Centre Street, from the northerly limit of the lane in the rear of lots fronting on Robert Street northerly to the present walk on the northerly side of Robert Street, a distance of 144½ feet .....	87 70	51 33	36 37	20	4½
East side of Centre Street, from north side of Robert Street northerly, a distance of 1,580 feet .....	689 00	306 35	382 65	20	4½
West side of Oil Street, from Petrolia Street to a point 80 feet south of the same, a distance of 80 feet .....	70 00	28 00	42 00	20	4½
West side of Oil Street, from a point 80 feet south of Petrolia Street southerly a distance of 142 feet .....	84 00	33 60	50 40	20	4½
North side of Emma Street, from Emmaline Street east, a distance of 241 feet .....	88 00	35 20	52 80	20	4½
West side of Albany Street, from the walk on the south side of Dufferin Avenue northerly, a distance of 257 feet .....	103 00	59 04	43 96	20	4½
East side of Station Street, from the northerly limit of Petrolia Street, a distance of 126 feet .....	100 00	40 00	60 00	20	4½
North side of Petrolia Street, from the walk on the west side of Tank Street easterly, a distance of 152 feet .....	85 40	45 62	39 78	20	4½

Total ..... \$4,025 88 \$1,894 57 \$2,131 31

SCHEDULE

## SCHEDULE "C."

## BY-LAW No. 775.

A By-law to fix the assessment of Anderson and Murray, Manufacturers, at the sum of two thousand dollars for ten years, and to grant them free water during same period, on certain conditions.

Whereas Robert Anderson and Adam Murray, Manufacturers, have arranged for the purchase of a certain parcel of land and premises, situate lying and being in the Town of Petrolia, in the County of Lambton, and Province of Ontario, described as being sub-lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 on the north side of Andrew Street, being in block "E" of Elliott's survey, and subdivision of the east half of lot 12, 11th concession, formerly in the Township of Enniskillen, but now in the Town of Petrolia;

And whereas the said land is now unused and the total assessment thereof at the present time is the sum of five hundred dollars;

And whereas the said Robert Anderson and Adam Murray have represented that they will erect on said lands certain buildings and instal a plant therein, which buildings and plant are to cost not less than twelve thousand dollars, for the purpose of engaging in the manufacture of gas engines, gas producers, and other kindred mechanical devices, and to employ not less than twelve men continuously for eight months during each year for a period of ten years, hereinafter fixed, provided the Town of Petrolia shall fix the assessment on the said land and the buildings to be erected thereon and plant to be installed therein combined at the sum of two thousand dollars for a period of ten years, and provided that the said Town of Petrolia grants them free water for the purposes of the said manufacturing business for a period of ten years;

And whereas a petition, very largely signed by the ratepayers of the Town of Petrolia, has been presented to the council requesting that the proposition of the said Anderson and Murray be accepted, and that a by-law be passed granting said fixed assessment and free water;

Therefore the municipal council of the corporation of the Town of Petrolia, subject to this by-law being validated, confirmed and made operative by the Legislature of the Province of Ontario, enacts as follows:—

1. That if on or before the thirty-first day of December, 1906, the said Robert Anderson and Adam Murray, their executors, administrators and assigns do erect said buildings and instal said plant and put the same in operation employing not less than twelve men, as hereinafter provided, then the annual assessment of the aforesaid real property of the said Robert Anderson and Adam Murray, their executors, administrators and assigns, and the buildings to be erected thereon, and the plant and other personal property to be installed therein, shall for all purposes whatsoever be fixed at the sum of two thousand dollars for a period of ten years from the said thirty-first day of December, 1906.

2. That all property which the said Robert Anderson and Adam Murray, their executors, administrators and assigns shall hereafter acquire (provided the same is erected or placed on the said described land, and provided the same is not for residential purposes, but is for use in connection with their said manufacturing business) shall for the portion of said period of ten years, which shall not then have elapsed, be included in the fixed assessment herein provided for.

3. Should the said Robert Anderson and Adam Murray, their executors, administrators and assigns fail in any one year during the

said



said term to carry on the said manufacturing business on said land for at least eight months thereof, or should they fail to employ at least twelve men therein continuously for eight months in any year, the Town of Petrolia may, in the next year after said default, and as often as such default shall be made, assess the said real and personal property as if this by-law and any Act validating the same had not been passed; but the said Robert Anderson and Adam Murray, their executors, administrators and assigns shall, upon payment of the taxes levied upon the assessment made by reason of such default, be thereafter entitled to the benefit of the assessment fixed by this by-law upon compliance with the conditions thereof.

4. That all men employed by the said Robert Anderson and Adam Murray in the said manufacturing business shall become residents of the Town of Petrolia.

5. That in the event of the buildings and plant being erected and installed and put in complete running order on or before the said thirty-first day of December, 1906, water, for the purposes of the said business, to an amount not exceeding one hundred barrels in any one week shall be supplied free of charge by the town to the said Robert Anderson and Adam Murray, their executors, administrators and assigns for the period of ten years from the said thirty-first day of December, 1906, for the exclusive use of the said Robert Anderson and Adam Murray, their executors, administrators and assigns, in the said proposed manufactory and for the purposes thereof only; provided, however, that the pipes to connect with the existing water mains of the town shall be furnished and laid and all connections made at the expense of the said Robert Anderson and Adam Murray, subject in every respect to the supervision and approval of the Commissioners of the Petrolia Waterworks.

6. It is provided further that no water shall be wasted or allowed to run to waste in said establishment or on said property, and the water commissioners may at any time place meters on any pipe or pipes supplying said premises with water, at such place or places as they may think proper. It is also provided that the rules and by-laws respecting the said waterworks of the town from time to time in force shall apply to the said Robert Anderson and Adam Murray, their executors, administrators and assigns, except in so far as they are inconsistent with this by-law.

7. It is further enacted that the said Robert Anderson and Adam Murray, their executors, administrators and assigns shall have the right, at their own expense, to erect a hydrant or hydrants on their main or mains or pipes at the works, to be used solely for the purpose of fire protection, which hydrants shall at all times be at the service and use of the fire department of the said town for fire or other purposes

8. It is provided, also, that no claim for damages shall be had or made by the said Robert Anderson and Adam Murray, their executors, administrators and assigns against the town or the water commissioners thereof, or their or either of their employees for any damage that may be sustained by the said Robert Anderson and Adam Murray by reason of the failure of the town at any time or times, owing to accident (whether attributable to negligence or not) or from any other cause to keep the said manufactory and premises supplied with said quantity of water, as hereinbefore provided.

9. It is provided also that nothing herein contained shall affect the rates which hereafter may be imposed in respect of local improvements constructed under the local improvement clauses of *The Municipal Act*, or any of them, in so far as the same relate to improvements made along side or in front of the said hereinbefore described land.

10. It is provided also that the said Robert Anderson and Adam Murray, or their executors, administrators or assigns, before being entitled to the benefit of the provisions of this by-law shall, if required by the municipal council of the Town of Petrolia so to do, enter into an agreement with the town expressing their approval of the provisions and enactments herein contained, and to which the said by-law is subject.

Dated this 14th day of April, 1906.

(Seal.)

(Sgd.) JOHN D. NOBLE,  
Mayor.  
(Sgd.) JOHN MCHATTIE,  
Clerk.

## CHAPTER 90.

## An Act to confirm By-law No. 544 of the Town of Picton.

*Assented to 14th May, 1906.*

WHEREAS the Municipal Corporation of the Town of Picton have by petition represented that on the first day of January, 1906, By-law No. 544 of the Town of Picton, being "A by-law to raise the sum of \$10,000 for the purpose of installing a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton, for the use of the corporation of the said town and the inhabitants thereof, and to authorize the issue of debentures therefor," was submitted to the electors of the said town and was duly approved of by the said electors, at least two-thirds of the electors qualified to vote on the said by-law voting in favor thereof; that the said by-law was read a third time and finally passed on the 14th day of February, 1906; that doubts have arisen as to the validity of the said by-law, the same having been passed after the expiration of six weeks from the date of the approval of the same by the municipal electors and certain technical objections to the manner of passing the said by-law and the promulgation thereof; and that it is necessary and desirable that the said by-law should be confirmed; and whereas the said municipal corporation has by the said petition prayed that an Act may be passed;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 544 of the Municipal Corporation of the Town of Picton, being "A by-law to raise the sum of \$10,000 for the purpose of installing a new system of electric street lighting, and to increase the incandescent electric lighting system in the Town of Picton for the use of the corporation of the said town and the inhabitants thereof, and to authorize the issue of debentures therefor,"

By-law No. 544  
to raise \$10,000  
for installing  
electric street  
lighting con-  
firmed.

which

3 Edw. VII.  
c. 19.

which by-law is set out in Schedule "A" to this Act, are confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, anything in *The Consolidated Municipal Act, 1903*, or any other Act to the contrary notwithstanding.

#### SCHEDULE "A."

##### BY-LAW No. 544.

A By-law to raise the sum of \$10,000.00 for the purpose of installing a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton, for the use of the corporation of the said town and the inhabitants thereof; and to authorize the issue of debentures therefor.

Whereas the Board of Electric Light and Waterworks Commissioners did on the 6th day of November, 1905, submit a report to the municipal council of the corporation of the Town of Picton, setting forth and showing the desire of said Board of Commissioners for the council to raise the sum of \$10,000.00 for the purpose of installing a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton; and

Whereas the said municipal council have deemed it expedient to endeavor to raise the said sum for the purpose stated by submitting a by-law for the votes of the qualified electors of the said town to express their approval thereof, and the said sum being necessary and required for the purpose of purchasing all the plant, machinery, material and things necessary to instal a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton and the inhabitants thereof, and in order thereto, it will be necessary to issue debentures of the said town for the sum of \$10,000.00, payable as hereinafter provided, with interest computed therein at the rate of four per cent. per annum; and

Whereas to provide for the payment of the annual instalments of principal and interest as the same shall become due and payable, it will be necessary to raise a certain specific sum annually during the currency of such debentures, and until they shall become due and payable as follows:—

The said debentures shall be payable, one debenture each and every year, on the 31st day of December during a period of fifteen years; the first of said debentures to become payable on the 31st day of December, A.D. 1906.

In the year.	For principal.	For interest.
1906 .....	\$499 41	\$400 00
1907 .....	519 38	380 02
1908 .....	540 16	359 25
1909 .....	561 77	337 64
1910 .....	584 24	315 17
1911 .....	607 61	291 80
1912 .....	631 91	267 50
1913 .....	657 19	242 22
1914 .....	683 48	215 93
1915 .....	710 82	188 59
1916 .....	739 25	160 16
1917 .....	768 82	130 59
1918 .....	799 57	99 84
1919 .....	831 56	67 85
1920 .....	864 82	34 59

And whereas the whole sum to be raised annually by specific rate upon all the rateable property of the corporation of the Town of Picton



Picton for the purpose of paying off the said debentures as they shall become due, is the equal annual sum of \$899.41 over and above all other rates raised, levied and collected in the municipality of the Town of Picton; and

Whereas the amount of the whole rateable property of the Town of Picton, according to the last revised assessment roll of the said municipality, being for the year 1905, is the sum of \$1,436,452.00; and

Whereas the amount of the existing debenture debt of the Town of Picton is the sum of \$31,768.36, of which no part of the principal or interest is in arrears.

Now, therefore, the municipal council of the corporation of the Town of Picton enacts as follows:—

1. That it may and shall be lawful for the municipal council of the corporation of the Town of Picton to raise by way of loan, for the purpose of installing a new system of electric street lighting and to increase the incandescent electric lighting system in the Town of Picton, and for the general benefit of the public and the inhabitants of said town, the sum of \$10,000.00.

2. That in order to raise the said sum of \$10,000.00 the municipal council of the corporation of the Town of Picton shall and may and they are hereby authorized and instructed to issue, or cause to be issued, fifteen equal annually payable debentures each including principal and interest amounting in the aggregate to the said sum of \$10,000.00, subdivided in fifteen annual payments, as hereinbefore scheduled, said debentures each and every of them to be sealed with the corporation seal and signed by the mayor and treasurer, and countersigned by the municipal clerk of the said corporation of Picton.

3. That an annual sum of \$899.11, composed of principal and interest, in amounts as hereinbefore set forth by schedule, shall become due and payable, and it shall and may be lawful for the municipal council of the corporation of the Town of Picton to issue debentures for the said fifteen annually payable sums.

4. That the said debentures shall be payable at the agency of the Bank of Montreal in the Town of Picton.

5. That for the purpose of paying off the said debentures from time to time annually as they become due and payable, there shall be raised, levied and collected upon all the rateable property of and within the corporation of the Town of Picton, annually, during fifteen years between the years 1906 and 1920, both inclusive, over and above all other rates whatsoever levied and collected in the said municipality of the Town of Picton the specific sum of \$899.41, which sum is sufficient to pay off the said debentures and discharge the debt thereby incurred.

6. That the said sum of \$899.41, to be raised, levied and collected in each and every of the aforesaid years for fifteen years, shall and may be raised, levied and collected in each of said years by a specific rate sufficient therefor over and above and irrespective of all other rates, on all the rateable property in the said municipality of the Town of Picton.

7. That the municipal treasurer of the said Town of Picton shall, and may pay, and he is hereby authorized and instructed to pay the said debentures from time to time annually as they fall due at the time and place hereinbefore provided, and out of the fund hereby specifically created and to be raised, levied and collected for that purpose in each and every year for the said fifteen years, his authority for so doing being hereby vested in him and without any other authority than this by-law.

8. That this by-law shall come into force and take effect on, from and after Monday, the 8th day of January, A.D. 1906.

9. The votes of the electors of the said Town of Picton, who shall or may be entitled to vote on this by-law, shall be taken thereon at the following times and places, that is to say: On Monday, the 1st day of January, A.D. 1906, commencing at the hour of nine o'clock in the forenoon, and continuing till the hour of five o'clock in the afternoon of the same day, by the following deputy returning officers at the following places:—

Hallowell Ward—Polling Subdivision No. 1. Votes to be polled at Miss Blanch Taylor's shop. Eli Ketchum to be Deputy Returning Officer. Polling Subdivision No. 2. Votes to be polled at Richard Ringer's shop. Herbert J. Ringer to be Deputy Returning Officer.

Brock Ward—Polling Subdivision No. 3. Votes to be polled at Henry Cottrel's shop. Charles M. Cole to be Deputy Returning Officer. Polling Subdivision No. 4. Votes to be polled at the town council chamber. Jonathan Mottashed to be Deputy Returning Officer.

Quinte Ward—Polling Subdivision No. 5. Votes to be polled at R. H. Hubbs' office. James E. Patterson to be Deputy Returning Officer. Polling Subdivision No. 6. Votes to be polled at Geo. W. Sexsmith's office. William McClymont to be Deputy Returning Officer.

Tecumseth Ward—Polling Subdivision No. 7. Votes to be polled at McDonnell's room over the fire hall. R. A. Foster to be Deputy Returning Officer.

10. That on Saturday, the 30th day of December, A.D. 1905, the mayor of the said Town of Picton shall attend at the town council chamber in said town at the hour of eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, and at the final summing of the votes by the municipal clerk, on behalf of the persons interested in promoting or opposing the passing of this by-law, respectively.

11. The municipal clerk of the council of the said Town of Picton shall attend at the town hall, Picton, at the hour of twelve o'clock, noon, on Tuesday, the 2nd day of January, A.D. 1906, to sum up the number of votes for and against this by-law.

Passed the 14th day of February, A.D. 1906.

(Sgd.) G. M. FARRINGTON,  
Mayor.  
(Sgd.) R. A. NORMAN,  
Clerk.

(Corp. Seal.)

## CHAPTER 91.

## An Act respecting the Town of Port Arthur.

*Assented to 14th May, 1906.*

WHEREAS the Municipal Corporation of the Town of Preamble.  
Port Arthur has, by its petition, represented that by section 19 of the Act passed in the third year of His Majesty's reign, Chaptered 76, the council of the said town was empowered to pass a by-law to borrow a sum not exceeding \$200,000 for the construction of waterworks; and that the said council did submit to the electors the questions as to what system of waterworks should be adopted, as provided by the said section, and thereafter passed a by-law to borrow \$85,000 for such purpose; that for the purpose of borrowing \$112,000 to pay for the cost of extensions to such waterworks system, as mentioned therein, the said council did, on the 16th day of October, 1905, submit By-law No. 794 to the qualified electors of the said town (165 electors voting for the said by-law and 46 against) and thereafter on the 23rd day of October, 1905, finally passed the said by-law; that By-law No. 795, intituled "A by-law to authorize the issue of debentures for \$10,000 for a fire hall and equipment," was submitted to the qualified electors on the 16th day of October, 1905 (165 electors voting for the said by-law and 46 against) and was finally passed on the 23rd day of October, 1905; that By-law No. 796, intituled "By-law providing for the construction of a system of sewers and to issue debentures therefor," and authorizing the issuing of debentures for \$111,000 for the purposes therein mentioned, was submitted to the qualified electors on the 16th day of October, 1905, (167 electors voting for the said by-law and 42 against) and was finally passed on the 23rd day of October, 1905; that in order to rectify an error in the amount to be levied for sinking fund under the said By-law No. 796 the said council, on the 8th day of February, 1906, passed By-law No. 829, amending the said By-law No. 796; that By-law No. 797, intituled "A by-law to authorize the issue of debentures for \$18,000 for telephone building and extension of telephone system," was submitted to the qualified electors on the 16th day of October, 1905

1905 (174 electors voting for the said by-law and 34 against), and was finally passed on the 23rd day of October, 1905; that By-law No. 816, intituled "By-law to authorize the issue of debentures for \$17,000 for purpose of extension, completion and effective equipment of the Port Arthur Electric Railway," was submitted to the qualified electors on the 1st day of January, 1906 (465 electors voting for the said by-law and 46 against), and was finally passed on the 8th day of January, 1906; that By-law No. 817, intituled "By-law to authorize the issue of debentures for \$14,000 for the extension and completion of the electric light system," was submitted to the qualified electors on the 1st day of January, 1906 (463 electors voting for the said by-law and 42 against), and was finally passed on the 8th day of January, 1906; that By-law No. 818, intituled "By-law to authorize the issue of debentures for \$7,000 for the purpose of completing and effectively operating the power system of the Town of Port Arthur," was submitted to the qualified electors on the 1st day of January, 1906 (464 electors voting for the said by-law and 45 against), and was finally passed on the 8th day of January, 1906; and whereas the said council did, on the 12th day of March, 1906, submit to the qualified electors of the said town By-law No. 830, set out in full in Schedule "H" hereto, and intituled "By-law to purchase the property known as the Strathecona property for corporation purposes" (251 electors voting for the said by-law and 68 against the same), for the purpose of borrowing \$45,000 by the issue of debentures, payable in twenty years, to pay the purchase price of lands particularly described therein, and of the water lots in front thereof; and whereas it has been made to appear that the said lands are situate in the Township of MacGregor, in the Municipality of Shuniah (excepting 163 acres known as Mining Location 6, situate within the said town), and lie adjacent to the eastern limits of the said town, and extend along the shores of Thunder Bay, and that the said corporation has, at present, no water front, with the exception of a small part known as Bare Point, and has applied to the Government of this Province for the water lots in front of the said lands as a site for municipal docks and wharves in connection with the said lands, and that it is necessary to acquire the said lands in order to secure access to such water lots, and for the transportation of freight and storage purposes, and also for the extension of the street railway system of the said town and for other railway terminals and facilities; that the said lands adjoin the lands now held by the town for park purposes, and it is proposed to increase the area of the park by the addition of a part of the said lands, when purchased; and whereas the owner of the said lands would not consent to the sale of less than the whole thereof to the said corporation; and whereas it is believed that the price to be paid, namely, \$42,000, is less than the actual value thereof, and that the said lands will rapidly increase in value when acquired and brought



brought within the limits of the said town; and whereas it is desirable that the said by-laws should be confirmed in order that the debentures issued, or to be issued thereunder, may be more readily and profitably disposed of, and that authority should be given to purchase the lands described in said By-law No. 830; and whereas the said corporation has also represented that it should have similar powers with regard to the extension of its electric light system and its telephone system, as it now possesses with regard to the extension of its street railway system; and whereas for the efficient administration of the affairs of the said town it is expedient that no member of the Electric Railway and Light Commission of the said town should be a member of the municipal council other than the Mayor of the said town; and whereas the said corporation has, by its petition, prayed that an Act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 796, as amended by By-law No. 829, and By-laws Nos. 794, 795, 797, 816, 817, 818 and 830 of the municipal corporation of the Town of Port Arthur, set out in Schedules "A," "B," "C," "D," "E," "F," "G" and "H," respectively, to this Act, and all debentures issued or to be issued thereunder are confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass any or all of the said by-laws and notwithstanding any defect in substance or in form of any or all of the said by-laws, or in the manner of passing the same.

By-laws Nos.  
796, 829, 794, 795,  
797, 816, 817, 818 and  
830 of the Town  
of Port Arthur,  
confirmed.

2. No irregularity in the form of the said debentures, or of any of them, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any of them, or any part thereof.

Irregularity in  
form not to  
invalidate.

3.—(1) Subject to the provisions of subsections 2 and 3 of this section, it shall be lawful for the said corporation to acquire and purchase the following lands: Lots numbers one, two, three and five, Herrick's survey, in the Township of McGregor, in the Municipality of Shuniah, in the District of Thunder Bay (excepting thereout the portion deeded to the Canadian Pacific Railway Company by deed dated the 10th day of November, 1896), lot six Herrick's survey, in the said Township of McGregor, and part in the Town of Port Arthur, and that portion of lot number four Herrick's survey, in the said Township of McGregor, together with the water lots in front of the said lands.

Authority to  
purchase cer-  
tain lands.

Lands to be annexed to town as part of Ward 3.

(2) The said lands, when so acquired and purchased, shall be annexed to the said town, and form part of Ward 3 thereof.

Purposes for which lands to be held.

(3) It shall be lawful for the said corporation to hold and use the said lands, or so much thereof as may be required for the purpose of securing a water front, and for gaining access thereto, and for establishing municipal docks and wharves, and for the transportation and storage of freight, and the extension of its street railway system, and its other public utilities, and for other railway terminals and facilities and also for increasing the area of its park lands, and in order to obtain stone, gravel and sand for the construction of municipal works and improvements, and generally for all other municipal purposes. Provided that the said corporation may (with the assent of the whole council of the said town where the part proposed to be sold or leased does not exceed five acres and with the assent of the ratepayers qualified to vote on money by-laws where such part exceeds five acres) sell or lease any part of the said lands as may not be required for the purposes aforesaid to any person or body corporate for such sum or sums as in the opinion of the district judge, on application to him for that purpose, is the full selling or renting value of the part proposed to be sold or leased.

Apportionment of assets and liabilities of municipality of Shuniah.

4. The property, assets, debts, liabilities and obligations of the Municipality of Shuniah, in respect to the said lands mentioned in said By-law No. 830, shall be apportioned between the said Municipality of Shuniah and the said Town of Port Arthur as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said Municipalities of Shuniah and the Town of Port Arthur, and the third being chosen by the said two, and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third, and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of such arbitrators or of a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the respective municipalities. Provided that nothing in this Act shall in any way affect the settlement heretofore made of the claims and liabilities between the Town of Port Arthur and the Municipality of Shuniah.

Extension of electric light and telephone systems.

5. Notwithstanding anything to the contrary contained in *The Consolidated Municipal Act, 1903*, or any other Act, the corporation of the said town, having first obtained the

assent

assent of the ratepayers in the manner provided in the said Act with regard to by-laws creating debts, shall have power to make extensions, from time to time, of their electric light system and telephone system, and to acquire, purchase or lease all such real and chattel property, fixtures, plant and other things, and to erect all such buildings as may be necessary for such extensions, and to borrow such sums as may be necessary to pay the cost thereof by the issue of debentures, payable in thirty years; provided that it shall only be necessary to levy and raise a sinking fund on the basis of 1 per cent. per annum for the retirement of such debentures at maturity.

6. Hereafter no member of the Electric Railway and Light Commission for the said town shall be eligible for nomination or election or to sit or vote as a member of the municipal council of the said town; but nothing in this section contained shall apply to or affect the mayor of the said town from time to time.

Member of  
Street Ry.  
Commission  
not to be mem-  
ber of Council.

#### SCHEDULE "A."

##### TOWN OF PORT ARTHUR BY-LAW No. 796.

By-law providing for the construction of a system of sewers and to issue debentures therefor.

Whereas the Town of Port Arthur decided to construct a system of waterworks and sewers in accordance with the plans and report of Willis Chipman, C.E., now in the office of the clerk of the corporation;

And whereas the Town of Port Arthur has already voted and expended the sum of \$62,000.00 in such construction of said sewers;

And whereas in order to further extend the said system of sewerage and properly serve the inhabitants of the said town and to make the said waterworks system more complete the said town has expended the sum of \$21,000.00 over and above the amount already voted, which amount has been paid out of the municipal funds, and it is necessary to authorize the issue of debentures as herein provided to reimburse the said funds for such sum;

And whereas it is necessary to further extend the said system of sewers in order to properly serve the inhabitants of the said town and make the said sewer system more complete;

And whereas the local Board of Health of the Town of Port Arthur has recommended to this council the advisability and necessity in the public interest to construct such extension of sewers;

And whereas it is advisable under the provisions of section 20 of the Acts of the Legislature of the Province of Ontario passed in the year 1903, intituled *An Act respecting the Town of Port Arthur*, and being Chapter 76 of 3 Edward VII., to charge as a special rate against the property fronting or abutting on several streets on which sewers are constructed the sum of one dollar per foot of property so fronting on such streets and balance of the cost of such sewers shall be raised and paid for by a special rate on all the rateable property in the Town of Port Arthur;

And whereas, according to the report and estimates of D. J. Russell Duncan, C.E., the estimated total cost of the said system of sewers is \$173,000.00, which said estimates are attached hereto and form Schedule a to this by-law;

And whereas, according to the said report, there are 59,000 feet of property fronting on the (proposed) sewers which will be charged at



at the rate of \$1.00 per foot as hereinbefore recited and will produce \$59,000, and the balance of the cost of the proposed extension, amounting to \$52,000, will be borne and paid for by the municipality at large;

And whereas the several streets along which the said sewers do and will run, and the number of feet of property chargeable with the said special rate on each side of such streets fronting on such sewers is shewn in the schedule hereunto attached marked Schedule *b*.

And whereas the said charge of one dollar per foot shall be payable on the completion of the work on each street, or by thirty equal annual payments of seven cents for each foot of property fronting on such streets as aforesaid, and such sums shall be entered on the collector's roll against such property and shall be payable with the general taxes each year;

And whereas in order thereto it will be necessary to issue debentures of the Town of Port Arthur to the said amount of \$111,000, and it is advisable to issue the said debentures in two lots or sets as follows; one set of debentures for \$59,000, which shall be a special charge against the property fronting on the said sewers as hereinbefore mentioned, and as set out in the said Schedule *b* hereto, and which said debentures are hereinafter designated as local improvement debentures; and a further set of debentures for \$52,000 for the portion of the cost of the said sewers to be borne by this municipality at large as above recited, and which said debentures are hereinafter designated as general debentures;

And whereas it will require the sum of \$2,950 to be raised annually for a period of thirty years, the currency of the local improvement debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt for the said local improvement debentures, and the sum of \$590 to be raised annually during the said period for the payment of the debt to be created by this by-law for the said local improvement debentures, such last mentioned sum being pursuant to sections 15 and 20 of Chap. 76 of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII., making in all the sum of \$3,540 to be raised annually as aforesaid for the said local improvement debentures;

And whereas there are 59,000 feet of the said assessable real property on the streets fronting on the said sewers as hereinbefore recited upon which it will be required to charge an annual special rate per foot sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of \$59,000 within thirty years, which said debt is created on the security of the special rate settled by this by-law, but which said debt, pursuant to section 8 of Chapter 69 of 5 Edward VII., is hereby guaranteed by the corporation of Port Arthur;

And whereas the amount required by *The Municipal Act* to be raised annually by a special rate for paying the above mentioned general debentures of \$52,000, and interest thereon, is \$3,120, whereof \$2,600 is to be raised annually for the payment of interest during the currency of the said general debentures, and \$520 is to be so raised annually for the purpose of creating a sinking fund pursuant to sections 15 and 20 of Chap. 76 of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII., for payment of the debt secured by the said general debentures;

And whereas the amount of the whole rateable property of the Town of Port Arthur, according to the last revised assessment roll, is \$5,405,241, of which \$1,677,880 is wholly exempt, and \$395,250 is exempt except for school purposes;

And whereas the amount of the existing debenture debt of the Town of Port Arthur is \$793,843.87, exclusive of local improvement debts secured by special acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore



Therefore the council of the corporation of the Town of Port Arthur enacts as follows:—

1. A system of sewers shall be constructed in accordance with the said plans and report of the said D. J. Russell Duncan, and each foot of property fronting on such sewers shall pay a special charge of \$1.00 per foot, payable in the manner hereinbefore recited, and the balance of the cost of such sewers, amounting to \$52,000, shall be paid and borne by this municipality at large.

2. During thirty years, the currency of the local improvement debentures to be issued under the authority of this by-law, the sum of \$2,950 shall be raised annually for the payment of interest of the said local improvement debentures and also the sum of \$590 shall be raised annually for the payment of the debt, making in all the sum of \$3,540 to be raised annually as aforesaid, pursuant to sections 15 and 20 of Chap. 76 of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII.

3. A special rate per foot is hereby imposed on the real property fronting on the said sewers as shown in the said Schedule *b* hereto, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the sum of \$3,540, and shall be annually inserted in the collector's roll for the next succeeding thirty years, and shall be payable to and collected by the tax collector for the time being in the same way as the other rates on the said roll.

4. The sum of \$59,000 shall be raised by loan of this corporation on the security of the special rate hereby imposed, and upon the security of the credit and the assets of the municipality at large, and debentures amounting to the sum of \$59,000 shall be issued by the said corporation therefor, and herein designated as local improvement debentures, but same are guaranteed by the corporation of the Town of Port Arthur.

5. The said local improvement debentures shall be made payable at the expiration of thirty years from the date of the issue of the same, and bear interest at a rate not exceeding five per cent. per annum.

6. The said local improvement debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America, or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans obtained on account of the said improvements and works and in no other way and for no other purpose whatsoever.

7. If at any time any of the owners of the said real property hereinbefore described, or any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her or their proportionate share or shares of the cost thereof, as a principal sum in lieu thereof, he, she or they may so commute by the payment of one dollar per foot of his, her or their property on any of the streets shown in the said Schedule *b* hereto, at any time, until the completion of the said sewers on the street or streets on which is situated the property for which he, she or they may wish to commute, or in any subsequent year by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.

8. All monies arising out of the said annual special rate and all monies received in commutation thereof, under the preceding section of this by-law, shall be invested by the treasurer of this municipality from time to time as the law directs.

9. Every local improvement debenture to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of the municipality, be

transferrable except by entry by the treasurer, or his deputy, in the Debenture Registration book of the said corporation at the Town of Port Arthur.

10. The amount of local improvement debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed by this council, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidated by-law be more particularly enacted in that behalf.

11. For the purpose of raising the said sum of \$52,000 to cover the proportion of the cost of the said sewers to be borne and paid for by the municipality at large, debentures of the said Town of Port Arthur to the said amount of \$52,000, as aforesaid, shall be issued in sums of not less than \$100 each, each of which said debentures shall be dated on the day of the coming into force of this by-law, and shall be payable in thirty years from such date at the Ontario Bank at Toronto.

12. Each of the said general debentures shall be signed by the mayor of the Town of Port Arthur, or by some other person authorized by by-law to sign the same, and also by the treasurer thereof, and the clerk of the said Town of Port Arthur shall attach thereto the corporate seal of the municipality.

13. The said general debentures shall bear interest at the rate of five per cent. per annum, payable half yearly at the said Ontario Bank at Toronto, on the first day of November and the first day of May in each and every year during the currency thereof, and shall have attached to them coupons for the payment of the said interest.

14. During the currency of the said general debentures there shall be raised annually by a special rate on all the rateable property in the Town of Port Arthur the said sum of \$2,600 for payment of interest on the said general debentures and the said sum of \$520 for the purpose of creating a sinking fund for payment of the debt hereby secured, pursuant to section 15 and 20 of Chap. 76 of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII., making in all the sum of \$3,120 to be raised annually by special rate as aforesaid during each of the said thirty years.

15. This by-law shall take effect on the first day of November, 1905.

16. The votes of the electors of the said Town of Port Arthur shall be taken on this by-law at the following times and places, that is to say, on Monday, the sixteenth day of October next, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the following deputy returning officers:—

Polling subdivision No. 1.—Embracing all that part of the Town of Port Arthur known as the First Ward, at the Police Station, on Park street, by Mr. Neil McDougall as Deputy Returning Officer.

Polling subdivision No. 2.—Embracing all that part of the Town of Port Arthur known as the Second Ward, at Strachan's Paint Shop, Lot 9, East Cumberland street, by Mr. Albert Bonin as Deputy Returning Officer.

Polling subdivision No. 3.—Embracing all that part of the Town of Port Arthur known as the Third Ward, at building known as Continental Hotel, Lot 1, north side of Victoria street, by Mr. Wm. Powley as Deputy Returning Officer.

17. On Thursday, the twelfth day of October, 1905, the mayor of the said town shall attend at the council chamber, on Cumberland street, in Port Arthur, at eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at

the final summing up of the votes by the clerk on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law respectively.

18. The clerk of the said Town of Port Arthur shall attend at the said council chamber at twelve o'clock in the forenoon of Tuesday, the 17th day of October, 1905, to sum up the number of votes given for or against this by-law.

Dated at the council chamber, in the Town of Port Arthur, this 23rd day of October, 1905.

(Seal.)

G. CLAVET,  
Mayor.

J. McTEIGUE,  
Clerk.

#### *Schedule a.*

Estimated cost of sewer system as per report of Willis Chipman, C.E. ....	\$ 62,000
Expenditure incurred without vote to carry out above in part .....	21,000
Estimated expenditure to complete above, including extensions .....	84,000
Estimated cost of storm sewers .....	6,000
Private frontage, 59,000 feet .....	\$173,000
Street frontage, 12,000 feet.	

D. J. RUSSELL DUNCAN,  
Corporation Engineer.

#### *Schedule b.*

##### SANITARY STREET SEWERS.

Street.	Length, feet.
Albert—Bay to John .....	1,500
Algoma—Wilson to Pearl .....	430
Algoma—VanNorman to Dawson .....	1,370
Ambrose—Algoma to Banning .....	1,030
Arthur—Water to Cumberland .....	420
Banning—Pearl to Dufferin .....	550
Banning—Bay to Dufferin .....	850
Banning—one block south of Bay .....	200
Bay—Cumberland to Machar .....	1,130
Bay—Machar to Banning .....	1,370
Bay—Banning to Crown .....	300
Centre—Bay to Manitou .....	680
Cornwall—C. P. Ry. to Crown .....	2,500
Court—Bay to Wilson .....	950
Court—Elgin to St. James .....	900
Court—Elgin to McVicar Creek .....	450
Court—Victoria to River .....	350
Court—Wilson to Pearl .....	430
Crown—Bay to Cornwall .....	700
Cumberland—Wilson to Bay .....	700
Cumberland—Bay to Outlet .....	500
Dawson—St. Patrick Square to High .....	900
Dufferin—Secord to Banning .....	680
Elgin—Cumberland to Court .....	730
Foley—Secord to Banning .....	680
Hebert—Arthur to College .....	550
John—Crown to Outlet .....	2,750
Lake—Manitou to Bay .....	630
Machar—Bay to Wilson .....	950

Manitou

Manitou—Water to Cumberland .....	550
Manitou—Cumberland to Lake .....	200
Machar—Bay to Wilson .....	950
Manitou—Lake to Court .....	540
Ontario—Bay beyond Cornwall .....	850
Pearl—Cumberland to Outlet .....	700
Pearl—Algoma to Banning .....	1,050
Peter—VanNorman to Tupper .....	730
Secord—Pearl to Bay .....	1,400
St. James—Cumberland to Court .....	750
Tupper—Algoma to Jean .....	540
VanNorman—Court East .....	250
Victoria—VanNorman to Hebert .....	570
Wiley—Secord to Banning .....	680
Wilson—Machar to Algoma .....	340
Wolseley—Cumberland to Court .....	820

*Schedule c.*

STORM SEWERS.

Street.	Length, feet.
Bay—Cumberland to Machar .....	1,130
Cumberland—Bay to Outlet .....	450
Pearl—Cumberland to Outlet .....	600
Wilson—Machar to Algoma .....	340

D. J. RUSSELL DUNCAN,

BY-LAW No. 829.

A by-law to amend By-law No. 796 of the Town of Port Arthur.

Whereas By-law No. 796, intituled "A by-law providing for the construction of a system of sewers and to issue debentures therefor," has certain figures in same which were erroneously inserted and certain words which require to be struck out:

And whereas it is deemed necessary and advisable to amend the said By-law, No. 796, by changing the said figures erroneously stated therein to the correct figures and by striking out the unnecessary words, namely, by changing the figures \$590 to \$1,051.97 wherever they appear in the said by-law and changing the figures \$3,540 to \$4,001.97 wherever they appear in the said by-law, and by striking out, on page 3, lines 20 to 23, and on page 5, lines 11 to 13, the following words, namely, on page 3, "such last mentioned sum being pursuant to sections 15 and 20, of Chap. 76, of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII.," and on page 5 the following words, "pursuant to sections 15 and 20, of Chapter 76 of the Act of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII."

Therefore the council of the corporation of the Town of Port Arthur enacts as follows:—

1. That By-law No. 796 be amended by changing the figures \$590 wherever they appear in the said by-law to the figures \$1,051.97, and by changing the figures \$3,540 wherever they appear in the said by-law to the figures \$4,001.97.

2. That the words on page 3, lines 20 to 23, of the said by-law, namely: "Such last mentioned sum being pursuant to sections 15 and 20 of Chap. 76 of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII.," be struck out and eliminated from the said By-law No. 796, and that the words on page 5, lines 11 to 13, namely: "Pursuant to

sections



sections 15 and 20, of Chap. 76 of the Act of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII., be also struck out and eliminated from the said By-law No. 796.

Council chamber, Port Arthur, 8th day of February, 1906.

(Seal.)

G. CLAVET,  
Mayor.  
J. McTEIGUE,  
Clerk.

### SCHEDULE "B."

#### TOWN OF PORT ARTHUR BY-LAW No. 794.

By-law to take the vote of the ratepayers on the extension of the waterworks system adopted by the Town of Port Arthur and to provide for the payment thereof and to issue debentures therefor.

Whereas it has been decided to construct a system of waterworks in the Town of Port Arthur, and the by-law authorizing the same has duly received the assent and approval of the ratepayers entitled to vote thereon;

And whereas under the provisions of section 19 of the Acts of the Legislature of the Province of Ontario, passed in 1903, entitled *An Act respecting the Town of Port Arthur*, being Chapter 76 of 1903 Edward VII., it was provided that before proceeding with the construction of the waterworks of the said town the said council shall submit to the electors certain questions as therein specified;

And whereas such questions were submitted to the said electorate and voted upon, and the said council of the corporation of the said town was empowered to expend the sum of \$200,000 in the construction of the waterworks;

And whereas it has been necessary and advisable in the interests of the said municipality to extend the said waterworks system, to properly supply the inhabitants of the said town and insure fire protection, and to make the said waterworks system more profitable and for such purpose the sum of \$50,000 has been expended in such extension without the vote of the people for such extension;

And whereas such expenditure has been paid out of the municipal funds of the municipality and it is necessary and advisable to authorize the council of the said Town of Port Arthur to issue debentures of the said Town of Port Arthur for the said sum of \$50,000 as hereinafter provided;

And whereas it is necessary and advisable in the interests of the said municipality to further extend the said waterworks system to properly supply the inhabitants of the said town and ensure proper fire protection and to make the said waterworks system more profitable;

And whereas it is desirable that the sum of \$62,000.00 should be expended by the Town of Port Arthur in the further extension of the said waterworks system already voted upon and that the said sum should be raised on the credit of the town;

And whereas in order thereto it will be necessary to issue debentures of the Town of Port Arthur for the sum of \$112,000 hereinafter provided, which is the amount of the debt intended to be created by this by-law, to provide for both the expenditure already made and to be made as above set out, the proceeds of the said debentures to be applied to the payment of the extensions of the said waterworks already made and to be made;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest

interest is the sum of \$6,720.00, whereof \$5,600 is to be so raised annually for payment of interest during the currency of said debentures and \$1,120 is to be raised annually on account of the payment of the sinking fund for the payment of the debt secured by said debentures pursuant to sections 15 and 19 of Chap. 76 of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII.;

And whereas the amount of the whole rateable property of the Town of Port Arthur, according to the last revised assessment roll thereof, is \$5,405,241, of which \$1,677,800.00 is wholly exempt from taxation and \$395,250.00 is exempt except for school purposes;

And whereas the amount of the existing debenture debt of the said municipality is \$793,843.87, exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore the council of the corporation of the Town of Port Arthur enacts as follows:—

1. The sum of \$112,000 shall be expended by the Town of Port Arthur in paying for the extension of the waterworks system already incurred and for the extension of same as hereinafter provided and for the purpose of raising the said sum debentures of the said Town of Port Arthur to the amount of \$112,000, as aforesaid, shall be issued in sums of not less than \$100.00 each on the first day of November, 1905, each of which debentures shall be dated on the said first day of November, 1905, and payable on the first day of November, 1935, at the Ontario Bank, Toronto.

2. Each of the said debentures shall be signed by the mayor and treasurer of the said town, and the clerk of the said town shall attach thereto the corporate seal of the said municipality. The said debentures shall bear interest at the rate of five per cent. per annum, and be payable half-yearly at the said bank on the first days of May and November in each and every year during the currency thereof and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said mayor and treasurer.

3. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Port Arthur the said sum of \$5,600 for payment of interest on the said debentures, and the said sum of \$1,120 for the purpose of creating a sinking fund for payment of the debt hereby secured, pursuant to sections 15 and 19, of Chap. 76 of the Acts of the Ontario Legislature passed in the third year of the reign of His Majesty King Edward VII., making in all the sum of \$6,720 to be raised annually by special rates as aforesaid, during each of the said 30 years.

4. The debentures issued under this by-law shall be a first preferential charge or lien on the said waterworks property and plant, and shall also be a first charge or lien on the net income derived from operating the same.

5. This by-law shall take effect on the first day of November, 1905.

6. The votes of the electors of the said Town of Port Arthur shall be taken on this by-law at the following times and places, that is to say, on Monday, the sixteenth day of October next, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the following deputy returning officers:—

Polling subdivision No. 1.—Embracing all that part of the Town of Port Arthur known as the First Ward, at the Police Station, on Park street, by Mr. Neil McDougall as Deputy Returning Officer.

Polling subdivision No. 2.—Embracing all that part of the Town of Port Arthur known as the Second Ward, at Strachan's Paint Shop,

Shop, Lot 9, East Cumberland street, by Mr Albert Bonin as Deputy Returning Officer.

Polling subdivision No. 3.—Embracing all that part of the Town of Port Arthur known as the Third Ward, at building known as Continental Hotel, Lot 1, north side of Victoria street, by Mr. Wm. Powley as Deputy Returning Officer.

7. On Thursday, the twelfth day of October, 1905, the mayor of the said town shall attend at the council chamber of the said town at eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the clerk on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law respectively.

8. The clerk of the said Town of Port Arthur shall attend at the said council chamber at twelve o'clock in the forenoon of Tuesday, the 17th day of October, 1905, to sum up the number of votes given for and against this by-law.

Dated at the council chamber in the Town of Port Arthur, this 23rd day of October, 1905.

(Seal.)

G. CLAVET,  
Mayor.  
J. McTEIGUE,  
Clerk.

#### Schedule A.

##### WATERWORKS.

Estimated sum spent on waterworks without vote .....	\$ 30,000
Add Canada Foundry Co. ....	9,600
Add miscellaneous contract balances .....	10,000
Further extensions will require .....	62,000
	<hr/>
	\$111,600
Original amount of vote .....	85,000
	<hr/>
	\$196,600

##### SEWERS.

Estimated sum spent without vote .....	\$ 21,000
Further extensions will require:—	
Sanitary sewers .....	84,000
Storm .....	6,000
Original amount of vote .....	62,000
	<hr/>
	\$173,000

Total water and sewers original scheme and extensions.....\$369,600

#### Schedule B.

##### WATERWORKS.

Street.	Length, feet.
Albert—Bay to John .....	1,500
Algoma—Wilson to Pearl .....	430
Ambrose—Algoma to Banning .....	1,030
Arthur—Water to Cumberland .....	420
Banning—Pearl to Dufferin .....	550
Banning—Bay to Dufferin .....	850
Banning—one block south to Bay .....	200
Bay—Cumberland to Machar .....	1,130
Bay—Machar to Banning .....	1,370
Bay—Banning to Crown .....	300

Bay

Centre—Bay to Manitou .....	680
Cornwall—C. P. Ry. to Crown .....	2,500
Court—Bay to Wilson .....	950
Court—Elgin to St. James .....	900
Court—Elgin to McVicar Creek .....	450
Court—Victoria to River .....	350
Court—Wilson to Pearl .....	430
Crown—Bay to Cornwall .....	700
Dawson—St. Patrick Square to High .....	900
Dufferin—Secord to Banning .....	680
Elgin—Cumberland to Court .....	730
Foley—Secord to Banning .....	680
Hebert—Arthur to College .....	550
Jean—VanNorman to Dawson .....	1,350
Lake—Manitou to Bay .....	630
Lorne—Water to Cumberland .....	400
Machar—Bay to Wilson .....	950
Manitou—Water to Cumberland .....	550
Ontario—Bay beyond Cornwall .....	850
Pearl—Algoma to Banning .....	1,050
Peter—VanNorman to Tupper .....	730
Secord—Pearl to Bay .....	1,400
St. James—Cumberland to Court .....	750
Tupper—Algoma to Jean .....	540
Victoria—VanNorman to Hebert .....	570
Wiley—Secord to Banning .....	680
Wilson—Machar to Algoma .....	340
Wolseley—Cumberland to Court .....	820

D. J. RUSSELL DUNCAN.

### SCHEDULE "C."

#### TOWN OF PORT ARTHUR, BY-LAW No. 795.

A By-law to authorize the issue of Debentures for \$10,000 for a Fire Hall and Equipment.

Whereas it is advisable that the Town of Port Arthur should provide a fire hall building for housing its fire equipment and appliances and also to extend its fire equipment and appliances so as to give better fire protection to its ratepayers;

Whereas in order thereto it will be necessary to issue debentures of the Town of Port Arthur for the sum of \$10,000, as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the said purpose and to no other;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$835.82, whereof \$500.00 is to be so raised annually for payment of interest during the currency of the said debentures, and \$335.82 is to be so raised annually for the purpose of creating a sinking fund for payment of the debt secured by the said debentures;

And whereas the amount of the whole rateable property of the Town of Port Arthur, according to the last revised assessment roll thereof, is \$5,405,241.00, of which \$1,677,880.00 is wholly exempt from taxation and \$395,250.00 is exempt except for school purposes.

And whereas the amount of the existing debenture debt of the said municipality is \$793,843.87, exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear.

Therefore the Municipal Council of the Corporation of the Town of Port Arthur enacts as follows:—



1. The sum of \$10,000.00 shall be expended by the Town of Port Arthur for the construction of a fire hall and the extension of its fire equipment and appliances and for the purpose of raising the said sum debentures of the said Town of Port Arthur, to the amount of \$10,000 as aforesaid shall be issued in sums of not less than \$100 each on the first day of November, 1905, each of which debentures shall be dated on the said first day of November, 1905, and shall be payable on the first day of November, 1925, at the Ontario Bank, at the City of Toronto.

2. Each of the said debentures shall be signed by the Mayor of the said Town of Port Arthur, or by some other person authorized by by-law to sign the same, and also by the treasurer thereof, and the clerk of the said Town of Port Arthur shall attach thereto the Corporate Seal of the municipality.

3. The said debentures shall bear interest at the rate of five per centum per annum payable half yearly at the said bank on the first days of the months of May and November in each and every year during the currency thereof and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said mayor and treasurer.

4. During the currency of said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Port Arthur the said sum of \$500.00 for payment of interest on the said debentures and the said sum of \$335.82 for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all the sum of \$835.82 to be raised annually by special rate as aforesaid during each of the said years.

5. This by-law shall take effect on the first day of November, 1905.

6. The votes of the electors of the said Town of Port Arthur shall be taken on this by-law at the following times and places, that is to say, on Monday, the sixteenth day of October next, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the following deputy returning officers:—

Polling subdivision No. 1.— Embracing all that part of the Town of Port Arthur known as the First Ward, at the Police Station, on Park Street, by Mr. Neil McDougall as Deputy Returning Officer.

Polling subdivision No. 2.— Embracing all that part of the Town of Port Arthur known as the Second Ward, at Strachan's Paint Shop, Lot 9, East Cumberland Street, by Mr. Albert Bonin as Deputy Returning Officer.

Polling subdivision No. 3.—Embracing all that part of the Town of Port Arthur known as the Third Ward at building known as Continental Hotel, Lot 1, north side of Victoria Street, by Mr. Wm. Powley as Deputy Returning Officer.

7. On Thursday, the twelfth day of October, 1905, the mayor of the said town shall attend at the council chamber of the said town at eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the clerk on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law respectively.

8. The clerk of the said Town of Port Arthur shall attend at the said council chamber at twelve o'clock in the forenoon of Tuesday, the 17th day of October, 1905, to sum up the number of votes given for and against this by-law.

Dated at the Council Chamber in the Town of Port Arthur, this 23rd day of October, 1905.

G. CLAVET,  
Mayor.

J. McTEIGUE,  
Clerk.

(Seal)

SCHEDULE

## SCHEDULE "D."

## TOWN OF PORT ARTHUR, BY-LAW NO. 797.

A By-law to authorize the issue of Debentures for \$18,000 for Telephone Building and Extension of the Telephone System.

Whereas it is advisable that the Town of Port Arthur should provide a Telephone Building for the operation of its Telephone System and also to extend its Telephone System, so as to better serve its ratepayers and to increase the revenue thereof.

Whereas in order thereto it will be necessary to issue debentures of the Town of Port Arthur for the sum of \$18,000, as hereinafter provided (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the said purpose and to no other.

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$1,220.94 whereof \$900.00 is to be so raised annually for payment of interest during the currency of the said debentures, and \$320.94 is to be so raised annually for the purpose of creating a sinking fund for payment of the debt secured by the said debentures.

And whereas the amount of the whole rateable property of the Town of Port Arthur, according to the last revised assessment roll thereof, is \$5,405,241.00, of which \$1,677,880.00 is wholly exempt from taxation and \$395,250.00 is exempt except for school taxes.

And whereas the amount of the existing debenture debt of the said municipality is \$793,843.87, exclusive of local improvement debts secured by Special Acts, rates or assessments, and there is no part of the principal or interest in arrear.

Therefore the Municipal Council of the Corporation of the Town of Port Arthur enacts as follows:—

1. The sum of \$18,000 shall be expended by the Town of Port Arthur for the construction of a Telephone Building and the extension of the Telephone System and for the purpose of raising the said sum debentures of the said Town of Port Arthur to the amount of \$18,000 as aforesaid shall be issued in sums of not less than \$100 each on the first day of November, 1905, each of which debentures shall be dated on the said first day of November, 1905, and shall be payable on the first day of November, 1935, at the Ontario Bank at the City of Toronto.

2. Each of the said debentures shall be signed by the Mayor of the said Town of Port Arthur, or by some other person authorized by by-law to sign the same, and also by the treasurer thereof, and the clerk of the said Town of Port Arthur shall attach thereto the Corporate Seal of the municipality.

3. The said debentures shall bear interest at the rate of five per centum per annum payable half yearly at the said bank on the first days of May and November in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said mayor and treasurer.

4. During the currency of said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Port Arthur the said sum of \$900.00 for payment of interest on the said debentures and the said sum of \$320.94 for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all the sum of \$1,220.94 to be raised annually, by special rate as aforesaid during each of the said years.

5. The debentures issued under this by-law shall be a first preferential charge or lien on the said telephone property and plant and shall also be a first charge or lien on the net income derived from operating the same.

This

This by-law shall take effect on the first day of November, 1905.

6. The votes of the electors of the said Town of Port Arthur shall be taken on this by-law at the following times and places, that is to say, on Monday, the sixteenth day of October next, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the following deputy returning officers:--

Polling subdivision No. 1.-- Embracing all that part of the Town of Port Arthur known as the First Ward, at the Police Station, on Park Street, by Mr. Neil McDougall as Deputy Returning Officer.

Polling subdivision No. 2.--Embracing all that part of the Town of Port Arthur known as the Second Ward, at Strachan's Paint Shop, Lot 9, East Cumberland Street, by Mr. Albert Bonin, as Deputy Returning Officer.

Polling subdivision No. 3.--Embracing all that part of the Town of Port Arthur known as the Third Ward, at building known as Continental Hotel, Lot 1, north side of Victoria Street, by Mr. Wm. Powley as Deputy Returning Officer.

7. On Thursday, the twelfth day of October, 1905, the Mayor of the said town shall attend at the Council Chamber of the said town at eleven o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the clerk on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law respectively.

8. The Clerk of the said Town of Port Arthur shall attend at the said Council Chamber at twelve o'clock in the forenoon of Tuesday, the 17th day of October, 1905, to sum up the number of votes given for and against this by-law.

Dated at the Council Chamber in the Town of Port Arthur this 23rd day of October, 1905.

G. CLAVET,  
Mayor.

(Seal)

J. McTEIGUE,  
Clerk.

#### SCHEDULE "E."

##### TOWN OF PORT ARTHUR, BY-LAW NO. 816.

By-law to authorize the issue of Debentures for \$17,000 for the purpose of Extension, Completion and effective Equipment of the Port Arthur Electric Railway.

Whereas the Electric Railway and Light Commissioners of the Town of Port Arthur have found it necessary and expedient to expend the sum of \$17,000 for the purpose of completing and effectively operating the Electric Railway System of the Town of Port Arthur.

And whereas the assent of more than two-thirds of the members of this council has been given to such expenditure;

And whereas under the provisions of section 12 of chapter 76 of 3 Edward VII., Ontario, being *An Act respecting the Town of Port Arthur*, power is given to purchase from time to time and sell, instal, equip, construct and erect such poles, wires, circuits, transformers, installations, meters, street lamps, tools, appliances, telephones, railway switches and other things which may be necessary or expedient for the completion and effective operation of their street railway, electric lighting, power and telephone systems, and to issue debentures for the cost of any such matters, or things, payable in not more than 15 equal annual installments, as is more particularly set out in the said section;

And whereas it is expedient to borrow the said sum of \$17,000.00 and to issue debentures therefor.

And



And whereas in order thereto it will be necessary to issue debentures of this municipality for the said sum of \$17,000.00 as hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the said purpose and no other.

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of fifteen years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other fourteen years of the said period as shown in Schedule "A" hereto attached;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,637.80, the amounts payable for principal and interest respectively on account of each installment of the said debt being shown in the said Schedule "A" hereto.

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll, is \$5,405,241.00, of which \$1,677,800.00 is wholly exempt from taxation and \$395,250.00 is exempt except for school taxes;

And whereas the amount of the existing debenture debt of the Town of Port Arthur is \$985,843.00 exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear.

Therefore the Council of the Corporation of the Town of Port Arthur enacts as follows:—

1. The expenditure of the said sum of \$17,000.00 for the purposes of aforesaid is hereby authorized, ratified and confirmed.

2. For the purpose of raising the said sum of \$17,000.00 for the purposes aforesaid, debentures of the Town of Port Arthur to the said amount of \$17,000.00 shall be issued on the first day of February, 1906, in sums of not less than \$100 each.

3. The said debt and the debentures issued therefore shall bear interest at the rate of five per centum per annum. The said debentures shall be dated on the day of the issue thereof, and shall be payable in equal amounts in each of the said fifteen years next succeeding the said date, such amounts being made up of the aggregate amount due each year on account of principal and interest as shown in the said Schedule "A" hereto.

4. Each of the said debentures shall be signed by the mayor of the said town, or by some other person authorized by by-law to sign the same, and by the Treasurer of the said town, and the clerk shall attach thereto the corporate seal of the said municipality.

5. The said debentures shall be payable on the first day of February in each year during the said fifteen years, at the Ontario Bank, at the City of Toronto.

6. During the fifteen years from 1906 to 1920 inclusive, being the fifteen years next succeeding the date of the issue of the said debentures, there shall be annually raised by special rate, on all the rateable property in the said Town of Port Arthur, the sum of \$1,637.80 for the purpose of paying the debentures falling due in each of the said years respectively.

7. This by-law shall come into force on the day of the final passing thereof.

8. The debentures hereby authorized to be issued shall be a first and preferential charge on the said electric railway plant and the revenue to be derived therefrom.

9. The votes of such of the electors of the Town of Port Arthur as are entitled to vote thereon shall be taken on this by-law on

Monday



Monday, the first day of January, 1906, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the following deputy returning officers hereinafter mentioned, that is to say:

Polling Subdivision No. 1.—Embracing all that part of the Town of Port Arthur known as the First Ward at the old Council Chamber, on Park Street, by Mr. Neil McDougall, as deputy returning officer.

Polling Subdivision No. 2.—Embracing all that part of the Town of Port Arthur known as Second Ward at W. Strachan's Paint Shop, lot 9, East Cumberland street, by Mr. Albert Bonin, as deputy returning officer.

Polling Subdivision No. 3.—Embracing all that part of the Town of Port Arthur known as the Third Ward, at A. L. Russell's office, Cameron street, by Mr. William Powley, as deputy returning officer.

10. On Tuesday, the twenty-eighth day of December, 1905, at his office in the council chamber, in the Town of Port Arthur, at eleven o'clock in the forenoon, the Mayor shall in writing signed by him appoint two persons to attend at the final summing up of the votes by the Clerk of this corporation, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, respectively.

11. The second day of January, 1906, at the council chamber aforesaid, at twelve o'clock noon, is hereby appointed for the summing up by the clerk of this corporation of the number of votes given for and against this by-law respectively.

By-law read a first time this 8th day of December, 1905.

J. McTEIGUE,  
Town Clerk.

By-law read a second time this 8th day of December, 1905.

J. McTEIGUE,  
Town Clerk.

By-law read a third time, passed, signed and sealed this 8th day of January, 1906.

G. CLAVET,  
Mayor.

(Seal.)

J. McTEIGUE,  
Town Clerk.

#### Schedule A.

Referred to in the foregoing by-law showing how the amount of \$17,000.00 thereby required to be raised annually by special rate is apportioned:—

Year.	Principal	Interest.	Total.
1906.....	787 80	850 00	1,637 80
1907.....	827 20	810 60	1,637 80
1908.....	868 57	769 23	1,637 80
1909.....	912 00	725 80	1,637 80
1910.....	957 60	680 20	1,637 80
1911.....	1,005 47	632 33	1,637 80
1912.....	1,055 75	582 05	1,637 80
1913.....	1,108 53	529 27	1,637 80
1914.....	1,163 96	473 84	1,637 80
1915.....	1,222 16	415 64	1,637 80
1916.....	1,283 26	354 54	1,637 80
1917.....	1,347 42	290 38	1,637 80
1918.....	1,414 80	223 00	1,637 80
1919.....	1,485 54	152 26	1,637 80
1920.....	1,559 83	77 97	1,637 80

SCHEDULE

## SCHEDULE "F."

## TOWN OF PORT ARTHUR BY-LAW No. 817.

By-law to authorize the issue of debentures for \$14,000 for the extension and completion of the electric lighting system.

Whereas the Electric Railway and Light Commissioners of the Town of Port Arthur have found it necessary and expedient to expend the sum of \$14,000.00 for the purpose of completing and effectively operating the electric lighting system at the Town of Port Arthur;

And whereas the assent of more than two-thirds of the members of this council has been given to such expenditure;

And whereas under the provision of section 12 of Chapter 76 of 3 Edward VII., Ontario, being *An Act respecting the Town of Port Arthur*, power is given to purchase from time to time and sell, instal, equip, construct and erect such poles, wires, circuits, transformers, installations, meters, street lamps, tools, appliances, telephones, railway switches and other things which may be necessary or expedient for the completion and effective operation of their street railway, electric lighting, power and telephone systems, and to issue debentures for the cost of any such matters, or things, payable in not more than 15 equal annual installments, as is more particularly set out in the said section;

And whereas it is expedient to borrow the said sum of \$14,000.00 and to issue debentures therefor;

And whereas in order thereto it will be necessary to issue debentures of this municipality for the said sum of \$14,000.00 as hereinafter provided (which is the amount of the debt intended to be created by this by-law), proceeds of the said debentures to be applied to the said purpose and no other;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of fifteen years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other fourteen years of the said period as shown in Schedule A hereto attached;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$1,348.79, the amounts payable for interest and principal respectively on account of each instalment of the said debt being shown in the said Schedule A hereto;

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll, is \$5,405,241.00, of which \$1,677,800.00 is wholly exempt from taxation and \$395,250.00 is exempt except for school taxes;

And whereas the amount of existing debenture debt of the Town of Port Arthur is \$985,843.00, exclusive of local improvement debts, secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore the council of the corporation of the Town of Port Arthur enacts as follows:—

1. The expenditure of the said sum of \$14,000.00 for the purposes aforesaid, is hereby authorized, ratified and confirmed.

2. For the purpose of raising the said sum of \$14,000.00 for the purpose aforesaid debentures of the Town of Port Arthur to the said amount of \$14,000.00 shall be issued on the first day of February, 1906, in sums of not less than \$100 each.

3. The said debt and debentures issued therefor shall bear interest at the rate of five per centum per annum. The said debentures shall be dated on the day of the issue thereof, and shall be payable

in equal amounts in each of the said fifteen years next succeeding the said date, such amounts being made up of the aggregate amount due each year on account of principal and interest as shown in the said Schedule A hereto.

4. Each of the said debentures shall be signed by the mayor of the said town or by some other person authorized by by-law to sign the same, and by the treasurer of the same town, and the clerk shall attach thereto the corporate seal of the said municipality.

5. The said debentures shall be payable on the first day of February in each year during the said fifteen years, at the Ontario Bank, at the City of Toronto.

6. During the fifteen years from 1906 to 1920 inclusive, being fifteen years next succeeding date of the issue of the said debentures, there shall be annually raised by special rate, on all the rateable property in the said Town of Port Arthur, the sum of \$1,348.79 for the purpose of paying the debentures falling due in each of the said years respectively.

7. This by-law shall come into force on the day of the final passing thereof.

8. The debentures hereby authorized to be issued shall be a first and preferential charge on the said electric lighting plant and the revenue to be derived therefrom.

9. The votes of such of the electors of the Town of Port Arthur as are entitled to vote thereon shall be taken on this by-law on Monday, the first day of January, 1906, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the following deputy returning officers hereinafter mentioned, that is to say:—

Polling subdivision No. 1.—Embracing all that part of the Town of Port Arthur known as the First Ward, at the old council chamber on Park street, by Mr. Neil McDougall as Deputy Returning Officer.

Polling subdivision No. 2.—Embracing all that part of the Town of Port Arthur known as the Second Ward, at W. Strachan's Paint Shop, lot 9, East Cumberland street, by Mr. Albert Bonin as Deputy Returning Officer.

Polling subdivision No. 3.—Embracing all that part of the Town of Port Arthur known as the Third Ward, at A. L. Russell's office, Cameron street, by Mr. William Powley as Deputy Returning Officer.

On Thursday, the twenty-eighth day of December, 1905, at his office, in the council chamber, in the Town of Port Arthur, at eleven o'clock in the forenoon, the mayor shall in writing signed by him appoint two persons to attend at the final summing up of votes by the clerk of this corporation, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

10. The second day of January, 1906, at the council chamber aforesaid, at twelve o'clock noon, is hereby appointed for the summing up by the clerk of this corporation of the number of votes given for and against this by-law respectively.

By-law read a first time this 8th day of December, 1905.

J. McTEIGUE, Town Clerk.

By-law read a second time this 8th day of December, 1905.

J. McTEIGUE, Town Clerk.

By-law read a third time, passed, signed and sealed this 8th day of January, 1906.

G. CLAVET, Mayor.

(Seal.)

J. McTEIGUE, Town Clerk.

SCHEDULE

## Schedule A

Referred to in the foregoing by-law showing how the amount of \$14,000.00 thereby required to be raised annually by special rate is apportioned:—

Year.	Principal.	Interest.	Total.
1906.....	648 79	700 00	1,348 79
1907.....	681 27	667 52	1,348 79
1908.....	715 30	633 49	1,348 79
1909.....	751 10	597 69	1,348 79
1910.....	788 63	560 16	1,348 79
1911.....	827 96	520 83	1,348 79
1912.....	869 43	479 36	1,348 79
1913.....	912 94	435 85	1,348 79
1914.....	958 61	390 18	1,348 79
1915.....	1,006 49	342 30	1,348 79
1916.....	1,056 86	291 93	1,348 79
1917.....	1,109 67	239 12	1,348 79
1918.....	1,165 08	183 71	1,348 79
1919.....	1,223 35	125 44	1,348 79
1920.....	1,284 50	64 29	1,348 79

## SCHEDULE "G."

## TOWN OF PORT ARTHUR, BY-LAW No. 818.

By-law to authorize the issue of debentures for \$7,000 for the purpose of completing and effectively operating the power system of the Town of Port Arthur.

Whereas the Electric Railway and Light Commissioners of the Town of Port Arthur have found it necessary and expedient to expend the sum of \$7,000.00 for the purpose of completing and effectively operating the power system of the Town of Port Arthur;

And whereas the assent of more than two-thirds of the members of this council has been given to such expenditure;

And whereas under the provisions of section 12 of chapter 76 of 3 Edward VII., Ontario, being *An Act respecting the Town of Port Arthur*, power is given to purchase from time to time and sell, instal, equip, construct and erect such poles, wires, circuits, transformers, installations, meters, street lamps, tools, appliances, telephones, railway switches and other things which may be necessary or expedient for the completion and effective operation of their street railway, electric lighting, power and telephone systems, and to issue debentures for the cost of any such matters or things, payable in not more than 15 equal annual instalments, as is more particularly set out in the said section;

And whereas it is expedient to borrow the said sum of \$7,000.00 and to issue debentures therefor;

And whereas in order thereto it will be necessary to issue debentures of this municipality for the said sum of \$7,000.00 as hereafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the said purpose and no other;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of fifteen years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other fourteen years of the said period as shown in Schedule A hereto attached;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest



interest as hereinafter provided is \$674.39, the amounts payable for principal and interest respectively on account of each instalment of the said debt being shown in the said Schedule A hereto;

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll, is \$5,405,241.00, of which \$1,677,800.00 is wholly exempt from taxation and \$395,250.00 is exempt except for school taxes.

And whereas the amount of existing debenture debt of the Town of Port Arthur is \$985,843.00 exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore the council of the corporation of the Town of Port Arthur enacts as follows:—

1. The expenditure of the said sum of \$7,000.00 for the purposes aforesaid is hereby authorized, ratified and confirmed.

2. For the purpose of raising the said sum of \$7,000.00 for the purposes aforesaid, debentures of the Town of Port Arthur to the said amount of \$7,000.00 shall be issued on the first day of February, 1906, in sums of not less than \$100 each.

3. The said debt and the debentures issued therefor shall bear interest at the rate of five per centum per annum. The said debentures shall be dated on the day of the issue thereof, and shall be payable in equal amounts in each of the said fifteen years next succeeding the said date, such amounts being made up of the aggregate amount due each year on account of principal and interest as shown in the said Schedule A hereto.

4. Each of the said debentures shall be signed by the mayor of the said town, or by some other person authorized by by-law to sign the same, and by the treasurer of the said town, and the clerk shall attach thereto the corporate seal of the said municipality.

5. The said debentures shall be payable on the first day of February in each year during the said fifteen years at the Ontario Bank, at the City of Toronto.

6. During the fifteen years from 1906 to 1920 inclusive, being the fifteen years next succeeding the date of the issue of the said debentures, there shall be annually raised by special rate, on all the rateable property in the said Town of Port Arthur, the sum of \$674.39 for the purpose of paying the debentures falling due in each of the said years respectively.

7. This by-law shall come into force on the day of the final passing thereof.

8. The debentures hereby authorized to be issued shall be a first and preferential charge on the said electric power plant, and the revenue to be derived therefrom.

9. The votes of such of the electors of the Town of Port Arthur as are entitled to vote thereon shall be taken on this by-law on Monday, the first day of January, 1906, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the following deputy returning officers hereinafter mentioned, that is to say:—

Polling subdivision No. 1.—Embracing all that part of the Town of Port Arthur known as the First Ward, at the old council chamber on Park street, by Mr. Neil McDougall as Deputy Returning Officer.

Polling subdivision No. 2.—Embracing all that part of the Town of Port Arthur known as the Second Ward, at W. Strachan's Paint Shop, lot 9, East Cumberland street, by Mr. Albert Bonin as Deputy Returning Officer.

Polling subdivision No. 3.—Embracing all that part of the Town of Port Arthur known as the Third Ward, at A. L. Russell's office, Cameron street, by Mr. William Powley as Deputy Returning Officer.

10. On Thursday, the twenty-eighth day of December, 1905, at his office in the council chamber, in the Town of Port Arthur, at eleven o'clock in the forenoon, the mayor shall in writing signed by him appoint two persons to attend at the final summing up of votes by the clerk of this corporation, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, respectively.

11. The second day of January, 1906, at the council chamber aforesaid, at twelve o'clock noon, is hereby appointed for the summing up by the clerk of this corporation of the number of votes given for and against this by-law respectively.

By-law read a first time this 8th day of December, 1905.

J. McTEIGUE,

Town Clerk.

By-law read a second time this 8th day of December, 1905.

J. McTEIGUE,

Town Clerk.

By-law read a third time, passed, signed and sealed, this 8th day of January, 1906.

G. CLAVET,

Mayor.

(Seal.)

J. McTEIGUE,

Town Clerk.

#### Schedule A.

Referred to in the foregoing by-law showing how the amount of \$7,000.00 thereby required to be raised annually by special rate is apportioned:—

Year.	Principal.	Interest.	Total.
1906.....	324 39	350 00	674 39
1907.....	340 61	333 78	674 39
1908.....	357 65	316 74	674 39
1909.....	375 53	298 86	674 39
1910.....	394 30	280 09	674 39
1911.....	414 02	260 37	674 39
1912.....	434 72	239 67	674 39
1913.....	456 46	217 93	674 39
1914.....	479 28	195 11	674 39
1915.....	503 24	171 15	674 39
1916.....	528 41	145 98	674 39
1917.....	554 83	119 56	674 39
1918.....	582 57	91 82	674 39
1919.....	611 69	62 70	674 39
1920.....	642 28	32 11	674 39

#### SCHEDULE "H."

##### TOWN OF PORT ARTHUR.

No. 830.

By-law to purchase the property known as the "Strathcona" property for corporation purposes.

Whereas the corporation of the Town of Port Arthur deems it advisable for its future welfare to purchase and acquire the lands hereinafter mentioned and which are briefly known as the "Strath-

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cona" property, and the water lots fronting same, and the said corporation desires to purchase same at and for the price of \$45,000;

And whereas it will require the sum of \$3,761.14 to be raised annually by a special rate on the whole rateable property of the said Town of Port Arthur for the paying of the said sum of \$45,000 and interest on the debentures to be issued therefor;

And whereas the amount of the whole rateable property of the said Town of Port Arthur, according to the last revised assessment roll, is \$5,405,241.00, of which \$1,677,800.00 is wholly exempt from taxation and \$395,250.00 is exempt except for school taxes;

And whereas the amount of the existing debenture debt of the said Town of Port Arthur is \$1,023,843.86, exclusive of local improvement debts, secured by special Acts, rates or assessment, and there is no part of the principal or interest in arrear;

Therefore the council of the corporation of the Town of Port Arthur enacts as follows:—

1. The corporation of the Town of Port Arthur may purchase for corporation purposes the property known as the "Strathcona" property, and which is more particularly known and described as lots numbers one, two, three and five, Herrick's survey, in the Township of McGregor, in the District of Thunder Bay (excepting thereout the portion deeded to the C.P.R. by deed dated the 10th of November, 1896), lot six, Herrick's survey, in the Township of McGregor and part in the Town of Port Arthur, and that portion of lot number four, Herrick's survey, in the Township of McGregor, together with the water lots in front of the above described property.

2. That for the purpose of paying for the said property, it shall be lawful for the mayor of the said corporation, and he is hereby authorized and empowered, to cause any number of debentures of the said corporation of the Town of Port Arthur to be made, executed and issued to the amount of \$45,000, in sums of not less than \$100 each, which said debentures shall be signed by the mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in twenty years from the day hereinafter appointed for the coming into force of this by-law, at the Ontario Bank, Toronto.

4. That the said debentures shall bear interest at and after the rate of five per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the first day of April and the first day of October in each and every year during the currency of the said debentures, at the said Ontario Bank, Toronto, and such debentures shall have attached thereto coupons for such half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the said debentures for \$45,000, to be issued therefor as aforesaid, the sum of \$3,761.14 shall be raised, levied and collected in each year of and from the whole rateable property of the said Town of Port Arthur by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of \$2,250.00 shall be for such interest and the sum of \$1,511.14 for a sinking fund for the ultimate payment of the said debentures.

6. This by-law shall come into force on the first day of April, 1906.

7. The vote of such of the electors of the said Town of Port Arthur as are by law entitled to vote hereon shall be taken on this by-law on the twelfth day of March, 1906, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places, and by the deputy returning officers hereinafter mentioned, that is to say:—

Polling

Polling subdivision No. 1.—At the police station, on Park street, by Mr. Neil McDougall.

Polling subdivision No. 2.—At Strachan's paint shop, east side Cumberland street, by Mr. Albert Bonin.

Polling subdivision No. 3.—At A. L. Russell's office, north side Cameron street, by Mr. W. A. McCallum.

8. On the 8th day of March, 1906, at his office in the council chamber, on Cumberland street, in Port Arthur, at 10 o'clock in the forenoon, the mayor shall, in writing signed by him, appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the clerk of this corporation on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law respectively.

9. The 13th day of March, 1906, at the council chamber aforesaid, at 12 o'clock noon, is hereby appointed for the summing up by the said clerk of the number of votes given for and against this by-law respectively.

Council chamber, Port Arthur, 13th day of March, 1906.

G. CLAVET,  
Mayor.

(Seal.)

J. McTEIGUE,  
Clerk.



## CHAPTER 92.

## An Act respecting The Town of Port Hope.

*Assented to 27th April, 1906.*

**W**HEREAS the Municipal Corporation of the Town of Preamble.  
Port Hope has by petition set forth that on the seventeenth day of November, A.D. 1903, the said Corporation entered into an agreement with the Port Hope Electric Light and Power Company, Limited, for lighting the streets of the said Town for a period of five years from the date of said agreement, upon the terms and conditions therein set forth; that incorporated in said agreement was a clause, under which, either party thereto could terminate the same by giving to the other party six months' notice in writing of its intention so to do; that on the twenty-second day of June, A.D. 1905, the said Company caused to be served upon the said Corporation a notice terminating the said agreement in six months from the date of such notice, or of its being served upon the said Corporation in accordance with the terms of the said agreement; that the said notice was served upon the said Corporation on the fourth day of July, A. D. 1905; that before the expiry of the said notice, to wit, on the seventeenth day of October, A.D. 1905, the president of the said Company offered to continue on the old terms in order to give the Council the opportunity of making other arrangements for the town lighting; that on the twentieth day of November, A.D. 1905, the said Corporation accepted the offer of the said Company; that the said Company did continue to light the streets of the said town until the first day of February, A.D. 1906, but did not comply with the terms of the agreement, which provided that the lights should be maintained until one o'clock a.m., causing the lighting to cease at midnight in contravention of the terms of said agreement; that owing to disputes between the said Company and the said Corporation as to an account of the said Company for street lighting, thereupon the said Company ceased to light the streets of the said Town and the streets of the said Town have been without light since the first day of February, A.D.

1906; and whereas it appears that doubt exists as to the power of the said Corporation to construct electric light works in the said Town without first purchasing or offering to purchase the plant of the said Company; and whereas the said Corporation has by the said petition further shewn that the said Corporation has made enquiries as to cost of water power and plant, and found that a municipal plant could supply electric light in the said Town far more economically and efficiently than the said Company has ever done; and whereas the said Corporation has by the said petition prayed that an Act may be passed to authorize the said Corporation to issue debentures for the sum of \$10,000 and to apply the proceeds thereof in the erection and establishment of an electric light plant in the said Town for the purpose of lighting the streets and buildings of the said Corporation; and that in and by the said Act it may be declared that the said Corporation shall not be bound to make any offer to purchase the plant of the said Company, or to take the proceedings in relation thereto prescribed by the clause lettered (a) and the following clauses of paragraph numbered 4 of section 566 of *The Consolidated Municipal Act, 1903*, and the amendments thereto; and whereas it appears that the circumstances of the said Town are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Port Hope authorized to pass by-law for constructing and operating electric light works.

1. The Municipal Council of the Town of Port Hope may pass a by-law or by-laws for constructing and operating electric light works in the Town of Port Hope, and for acquiring the necessary land and for erecting thereon such buildings, plant and machinery as the said Council may deem necessary or desirable for the proper construction and operation of the said electric light plant, and for supplying electric light for lighting the streets and buildings of the said Municipal Corporation and for other municipal purposes.

Issue of debentures therefor.

2. The council of the said town may in and by any by-law passed under the preceding section or any by-law passed from time to time provide for issuing debentures payable in not more than 15 years and in equal annual instalments of principal and interest to an amount not exceeding in the whole the sum of \$10,000; the said debentures or the proceeds thereof to be applied to the purposes of the preceding section. Provided that no such by-law shall be finally passed until the assent of the ratepayers qualified to vote on money by-laws has been obtained in accordance with the provisions of *The Consolidated Municipal Act, 1903*.

3. To remove doubts it is declared that the clauses lettered *a* to *a9* both inclusive, following paragraph 4 of Section 566 of *The Consolidated Municipal Act, 1903*, do not apply to the Corporation of the Town of Port Hope, nor to the council thereof, and it shall not be necessary for the council of the said Town before passing any by-law under section 1 or section 2 of this Act, or issuing debentures thereunder, to fix any price to be offered to any electric light company supplying, or which has heretofore supplied electric light in the Town of Port Hope, or to take any further or other proceedings having for their object the fixing of a price to be paid by the said Municipal Corporation for the works and plant of any such Company or any part thereof, or the purchase or expropriation of such works or plant or any part thereof by the said Municipal Corporation.

Provisions of  
3 Edw. VII.,  
c. 19, s. 566,  
clauses *a* to *a9*,  
not to apply.

4. Save as aforesaid, all the provisions of *The Consolidated Municipal Act, 1903*, applicable to municipal by-laws for constructing electric light works and for issuing of debentures for that purpose shall apply to any by-law to be passed under the provisions of this Act, and to the debentures to be issued under any such by-law.

Application of  
other provisions  
of 3 Edw.  
VII., c. 19.

## CHAPTER 93.

## An Act respecting the City of St. Catharines.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the Municipal Corporation of the City of St. Catharines has, by its petition, represented that under and by virtue of a by-law of the said city corporation numbered 512, passed on the 16th day of June, 1886, entitled "A by-law to authorize the corporation of the City of St. Catharines to aid the St. Catharines and Niagara Central Railway Company by guaranteeing certain bonds or debentures to be issued by the said company," the said city corporation guaranteed, under its corporate seal, payment of the bonds or debentures of the said company to the amount of \$80,000, and interest thereon until maturity, the said bonds or debentures being payable in twenty years from the date of the passing of said by-law, and that by reason of the sale of the assets and properties of the said the St. Catharines and Niagara Central Railway Company at the suit of the bondholders thereof, the guarantee of the said municipal corporation has become a liability of the said municipal corporation to the extent of \$61,319.96, and will mature and become payable by the said city corporation on or about the 1st day of June, 1906, and no provision has been made for the payment of the said liability, and that the said municipal corporation should be authorized to issue the debentures of the corporation for the purpose of paying the said liability when it matures; and whereas the said municipal corporation has, also, by its said petition, represented that authority should be given to the municipal corporation of the County of Lincoln to aid or assist the said municipal corporation of the City of St. Catharines in the construction of the high level bridge mentioned and referred to in section 3 of Chapter 66 of 4 Edward VII., and for that purpose to issue the debentures of the said county corporation therefor; and whereas the said municipal corporation has, by its said petition, further represented that sections 3 and 4 of the said Act, Chapter 66 of 4 Edward VII., should be amended for the purpose of more clearly defining the purposes of said sections, and that section 9 of

the



the said Act should be amended so as to make the operation of the said section 9 more just and equitable; and the said municipal corporation has, by its said petition, prayed for the passing of an Act for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said corporation of the City of St. Catharines to pass a by-law or by-laws providing for the issue of debentures under its corporate seal for the purpose of paying a certain liability of the said city corporation incurred under and by virtue of a by-law of the said city corporation numbered 512, passed on the 16th day of June, 1886, entitled "A by-law to authorize the corporation of the City of St. Catharines to aid the St. Catharines and Niagara Central Railway Company by guaranteeing certain bonds or debentures to be issued by the said company," which said bonds or debentures amount to the sum of \$61,319.96, and will mature on or about the 1st day of June, 1906. The said debentures shall be payable in twenty years from the date of the by-law authorizing the issue thereof, and shall bear interest at the rate of four per cent. per annum, and may be payable at such place or places as the council of the said corporation may by by-law determine. It shall not be necessary to submit the by-law authorizing the issue of the said debentures to the electors of the said city for their approval.

Issue of debentures for \$61,319.96 to pay off liability incurred under By-law 512.

2. It shall and may be lawful for the corporation of the County of Lincoln to aid or assist the corporation of the City of St. Catharines in the construction of the high level bridge mentioned and referred to in section 3 of Chapter 66 of 4 Edward VII., by the gift of money or by the guarantee of the debentures of the said corporation of the City of St. Catharines to be issued in respect of the construction of the said high level bridge or in any other manner which the council of the said county corporation may deem expedient, and for any of the said purposes to issue the debentures of the said county corporation, and to pass by-laws of the said county corporation for any of said purposes, and it shall not be necessary for the said county corporation to submit any such by-law for the votes of the electors, but any such by-law as aforesaid shall receive the affirmative vote of two-thirds of the members of the council of said county corporation.

County of Lincoln authorized to assist city in construction of high level bridge by guarantee of debentures, etc.

3. Section 3 of Chapter 66 of 4 Edward VII. is hereby amended by striking out the words "by any such railway company" in the nineteenth and twentieth lines of said section.

4 Edw. VII., c. 66, s. 3 amended.

4 Edw. VII.,  
c. 66, s. 4  
amended.

4. Section 4 of Chapter 66 of 4 Edward VII. is hereby amended by striking out the words "constructing the said bridge as aforesaid" in the third line of the said section, and by striking out the words "and partly to such company constructing the said bridge as aforesaid" in the twelfth and thirteenth lines of the said section, and substituting therefor the words "and partly to any railway company which may construct the said bridge under agreement with the said city corporation."

4 Edw. VII.,  
c. 66, s. 9  
amended.

5.—(1) Section 9 of Chapter 66 of 4 Edward VII. is hereby amended by adding after the word "rental" in the sixteenth line of the said section the following words: "but no allowance in reduction or payment of the said annual sewer rental in respect of any sum heretofore paid for the privilege of connecting with the said common sewer shall be made or allowed in the case of any premises which have been connected with any common sewer for a period of five years prior to the 1st day of January, 1906," and by adding to the said section 9 as subsection 2 thereof the following:

(2) In any case where lands or premises are drained into any sewer or drain which runs through or across the property of any private person or persons and joins or is connected with the general sewer system of the city, the person or persons whose land or premises is so drained as aforesaid shall be liable for and shall pay sewer rental according to the street frontage of the said lands or premises notwithstanding that any such person or persons or his or their predecessors in title may have contributed to the construction or laying down of such sewer or drain so running through or across private property as aforesaid.

## CHAPTER 94.

An Act to Confirm By-law number 1781 of the  
City of St. Catharines.*Assented to 27th April, 1906.*

WHEREAS the Young Men's Christian Association of the City of St. Catharines and the Roman Catholic Episcopal Corporation of the Arch-Diocese of Toronto, have requested the Municipal Corporation of the said City of St. Catharines to fix the assessment upon their respective properties in the said City of St. Catharines for each and every year from the first day of January, 1906; and whereas the Municipal Corporation of the said City did on the 5th day of February, 1906, enact by By-law Number 1781 of the said Corporation, that the said Young Men's Christian Association's assessment should be so fixed at the sum of \$3,000 and that the assessment of the property of the Roman Catholic Episcopal Corporation, known as the Canadian Lyceum and Athletic Club, should be so fixed at the sum of \$1,500 and the said Young Men's Christian Association and the Roman Catholic Episcopal Corporation of the Arch-Diocese of Toronto have by their petition prayed that the said by-law be legalized and declared binding upon the said Corporation; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to section 2 hereof, By-law Number 1781 of the Municipal Council of the City of St. Catharines, set forth as Schedule "A" to this Act, entitled "A by-law to fix the assessments of the properties of the Young Men's Christian Association of the City of St. Catharines; and the Roman Catholic Episcopal Corporation of the Arch-Diocese of Toronto, known as the Canadian Lyceum and Athletic Club" at the sums of \$3,000 and \$1,500 respectively, passed by said council on the 5th day of February, 1906, is hereby declared legal, valid and binding upon the said Corporation.

By-law No.  
1781, set out as  
Schedule A,  
confirmed.

Fixing of  
assessment not  
to extend  
beyond 15  
years.

2. Notwithstanding anything contained in the said by-law, the fixing of the assessment of the said properties as set out therein shall extend to and be effectual for a period of fifteen years only from the first day of January, 1906, and no longer, and the said properties shall be liable to assessment and taxation for school purposes on their full assessable value in the same manner as if the said by-law had not been passed.

#### SCHEDULE "A."

#### BY-LAW No. 1,781.

A By-law to fix the assessment of the properties of the Young Men's Christian Association, of the City of St. Catharines, and of the Roman Catholic Episcopal Corporation of the Arch-Diocese of Toronto, known as the Canadian Lyceum and Athletic Club.

Whereas, the Young Men's Christian Association, of the City of St. Catharines, and the Roman Catholic Episcopal Corporation of the Arch-Diocese of Toronto, the owners of the above properties, situate in the City of St. Catharines, in the County of Lincoln, and Province of Ontario, have applied to the municipal council of the said City of St. Catharines for a fixed assessment on their respective properties, and

Whereas, the council deems it expedient to accede to their request so far as it has power so to do;

Be it therefore enacted by the municipal council of the said City of St. Catharines:

1. That the assessment of the property of the Young Men's Christian Association of the City of St. Catharines, situate on St. Paul Street, in the said City of St. Catharines, and being No. 171 St. Paul Street, and the lands and premises connected therewith as the said property and premises are mentioned and described on the assessment roll of the City of St. Catharines for the year 1905, be fixed at the sum of \$3,000.00 for each and every year hereafter from the first day of January, 1906, and that the assessment of the property of the Roman Catholic Episcopal Corporation of the Arch-Diocese of Toronto, situate at the corner of Church and Mary Streets, in the said City of St. Catharines, and known as the Canadian Lyceum and Athletic Club, and the lands and premises connected therewith as the said property and premises are mentioned and described in the assessment roll of the said City of St. Catharines for the year 1905, be fixed at the sum of \$1,500.00 for each and every year thereafter from the first day of January, 1906.

2. That the said respective assessments as so fixed shall remain and continue only so long as the said respective premises shall remain the property of said respective bodies and shall be used and occupied for their respective purposes.

3. This By-law shall not come into force or effect until confirmed and validated by an Act of the Legislative Assembly of the Province of Ontario.

Passed this fifth day of February, A.D. 1906.

(Signed) ANDREW RIDDELL,  
Mayor.

[SEAL.]

(Signed) JNO. S. MCLELLAND,  
City Clerk  
CHAPTER



## CHAPTER 95.

## An Act respecting the City of St. Thomas.

*Assented to 27th April, 1906.*

**W**HEREAS the Corporation of the City of St. Thomas Preamble.  
has by its petition represented that the said Corporation has incurred a floating indebtedness of \$26,161.16, made up as follows:—\$5,191.58 of a deficiency in sinking funds, numbers one and two created under the authority of by-law No. 22 for redeeming the debentures issued under the authority of *The Town of St. Thomas Debentures Act of 1864*, and under by-law No. 97 for redeeming the debentures issued under the authority of the Act passed in the 48th year of the reign of Her late Majesty, Queen Victoria, Chaptered 69, caused by the reduction of bank interest; \$4,315 necessarily expended in the reconstruction of Manitoba Street sewer; \$2,702.65 in making extensions of its street railway, in order to carry out its agreement with the South Western Traction Company; \$4,360 of a balance due on the purchase of an electric storage battery, to provide additional power for said street railway; \$9,591.29 of a balance due upon the purchase of the gas and electric light plant, and that to liquidate the said floating indebtedness forthwith, in addition to the ordinary and necessary annual expenditure, would be unduly oppressive to the ratepayers; and whereas the said Corporation has further represented that it is necessary and expedient for the Corporation to raise and provide a fund for the extension of gas mains in the said city, and that an amount not exceeding \$30,000 will be required for the payment of the said floating indebtedness and for providing for paying the cost of the extension of gas mains in the said City; and whereas the said corporation has further represented that the Canadian Iron and Foundry Company, Limited, have erected extensive works in the said City, upon the understanding and agreement that the said corporation would exempt their property from all taxes except school taxes and local improvement rates for a period of twenty years from the first day of January, 1905; and whereas the said Corporation has prayed that an Act may be passed consolidating

solidating the said indebtedness and authorizing the issue of debentures therefor, and for meeting the cost of the extension of gas mains, and validating the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Floating  
indebtedness  
consolidated.

1. The said floating indebtedness of the City of St. Thomas is hereby consolidated at the sum of \$26,161.16, and it shall be lawful for the Council of the said Corporation to pass a By-law authorizing the issue of debentures to an amount not exceeding \$30,000 in sums of not less than \$100 each and to raise by way of loan upon the credit of the said debentures a sum not exceeding \$30,000 for the purpose of paying off the said floating indebtedness of the said Corporation so consolidated, and of providing a fund for paying the cost of the extensions of gas mains in the said City.

Term of  
debentures.

2. The said debentures shall be made payable in not more than twenty years from the date of the issue thereof, and shall bear interest at a rate not exceeding  $4\frac{1}{2}$  per cent. per annum payable yearly and shall have coupons attached thereto for the interest and shall be payable at such place or places as the Corporation may deem expedient.

Manner of  
payment of  
debentures.

3. The said debentures shall be payable in equal annual instalments of principal and interest, in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest in each of the other years of the period within which the debt is to be paid.

Special rate.

4. The said Corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalment of principal and interest falling due upon the said debentures.

Application of  
proceeds of  
debentures.

5. The moneys arising from the sale of the said debentures shall be applied, first, in payment of the indebtedness hereby consolidated, and the balance remaining of said moneys shall be used in defraying the cost of the necessary extensions of the gas mains in the said City, and in no other manner and for no other purposes whatsoever.

Assent of  
electors not  
required.

6. It shall not be necessary to obtain the assent of the electors or ratepayers of the said City of St. Thomas, to  
the

the passing of any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

7. No irregularity in the form of the said debentures authorized to be issued by this Act or of the by-law authorizing the issue of the same, shall render the same invalid or illegal.

Irregularity in form not to invalidate.

8. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, to the contrary, the Municipal Council of the City of St. Thomas is hereby authorized and empowered to pass a by-law exempting the real and personal property (and including business assessment) of the Canadian Iron Foundry Company, (Limited), in the said City of St. Thomas from taxation, except for school taxes and local improvement rates, for a period not exceeding ten years from the first day of January, A.D. 1905, and it shall not be necessary to obtain the assent of the electors or ratepayers of the city to such by-law or to observe any of the provisions or requirements of the said Act in regard thereto.

Authority to pass by-law exempting property of Canadian Iron and Foundry Co. for 10 years.

## CHAPTER 96.

An Act to confirm By-law number 640 of the  
Town of Sarnia.*Assented to 14th May, 1906.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Sarnia has by petition represented that the council of the said corporation duly passed a certain local improvement by-law numbered 640 on the twelfth day of June, A.D. 1905, entitled "A By-law to raise \$29,632.92 by the issue of debentures secured by local special rates on properties fronting on streets or portions of streets in the said by-law set out, and partly secured by general rate for the payment of concrete pavement sidewalks on said streets and portions of streets," providing for the raising of said sum for paying the cost of such sidewalks by the issue of debentures for the amount of the principal and interest thereon, as is set out in said by-law; and whereas, it is provided by said by-law to raise the said sum of \$29,632.92, being the total cost of laying the concrete sidewalks mentioned in said by-law, and for that purpose to issue debentures to the extent of \$45,547.40, being the amount provided by said by-law to be raised and interest thereon at the rate of four and one-half per cent. per annum, of which debentures \$9,202.40 is the share to be borne by the town at large and the balance, \$36,345.00, is the share to be borne by the frontage ratepayers; and whereas none of the said debentures have been issued or sold but the first payment to be made as provided under said by-law, namely,—\$2,277.37 has been levied, which leaves debentures to the extent of \$43,270.03 to be issued under said by-law; and whereas the said by-law was duly registered in the registry office for the County of Lambton on the twentieth day of June, A.D. 1905, and no application has been made or action brought to quash or set aside the said by-law or any part thereof, or to question the levying of rates or making assessments thereunder; and whereas the said corporation has by the said petition prayed that an Act may be passed confirming the said by-law

and



and all debentures issued or to be issued thereunder, and all rates and assessments levied or to be levied for the payment thereof or for the payment of the sums provided to be raised under said by-law; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law numbered 640 of the Town of Sarnia, in the County of Lambton, passed by the municipal council of said town on the twelfth day of June, A.D. 1905, and intituled "A by-law to raise \$29,623.92 by the issue of debentures secured by local special rates on properties fronting on streets or portions of streets in the said by-law set out and partly secured by general rate for the payment of concrete pavement sidewalks on said streets and portions of streets," and all debentures issued or to be issued thereunder and all rates and assessments made or to be made for the payment thereof are hereby validated and confirmed and are declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the municipality to pass the said by-law and notwithstanding any defect in substance or in the form of the said by-law or in the manner of passing the same.

By-law No. 640  
of the  
Town of Sarnia  
confirmed.

## CHAPTER 97.

## An Act respecting the Township of Shuniah.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the Municipal Corporation of the Township of Shuniah has by its petition prayed that all sales of lands for taxes within the said Township should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sales of land  
for arrears  
of taxes con-  
firmed.

1. All sales of lands within the Municipality of the Township of Shuniah up to and including the sale held in the year 1904, and which purported to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* or any amendments to either of the said Acts in regard to the manner in which any assessment roll or collector's roll of the said municipality has been prepared, or in regard to the certifying or signing of the same, or the making any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said municipality, or in regard to the furnishing, authenticating, or depositing of any list of lands in arrears for taxes within the said municipality or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of the said municipality, or of any official thereof, to comply with any requirements of the said Acts and notwithstanding anything to the contrary in either of the said Acts contained; provided, however, that any land so sold

for taxes which is still held by the said corporation may be redeemed by the owner thereof or any mortgagee thereof prior to the 27th day of October, 1906, by such owner or mortgagee paying to the said corporation the full amount which would have been necessary to redeem the same, within one year from the day of sale as provided in *The Assessment Act*, including interest, the costs and charges of the sale and a sum for every year or years in which the same may not have been rated for taxes equal to what would have been the taxes thereon at the current rate for such year or years if the land had been assessed to a private person, and also interest upon the several sums to the time of such redemption; and provided further that nothing in this Act contained shall affect any rights which are the subject of litigation at the time of the passing of this Act, or any rights as to lands included in the sale of 1904 which may be the subject of litigation prior to the said 27th day of October, 1906.

2. Nothing in this Act contained shall be held to validate any sales of unpatented lands (other than the locatee's interest therein) purporting to have been made for arrears of taxes. Sales of unpatented lands not affected.

## CHAPTER 98.

## An Act respecting the Town of Thornbury and the Township of Collingwood.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS the Municipal Corporations of the Town of Thornbury and the Township of Collingwood have, by their joint petitions, represented that by the Act passed in the fiftieth year of Her late Majesty's reign, Chaptered sixty-eight, intituled "An Act to incorporate the Town of Thornbury," no provision was made by which the real property of the Township of Collingwood (of which the said Town of Thornbury, theretofore formed a part) situate in Thornbury, should become the property of the Town of Thornbury; and that by the Act passed in the fifty-sixth year of her late Majesty's reign, Chaptered sixty-one, and intituled "An Act respecting an agreement entered into between the Corporation of the Township of Collingwood and the Corporation of the Town of Thornbury," provision was made for the joint control, maintenance and repair by the said corporations of the harbour, wharf and storehouse situate at the mouth of the Beaver River in the said Town of Thornbury; and that the said corporations have entered into the agreement bearing date the 15th day of December, A.D. 1905, set out in the Schedule to this Act at length; and whereas the said corporations have, by their petition, prayed that an Act may be passed vesting the real property included within the limits of the Town of Thornbury in the corporation of the town, and confirming the said agreement, dated the 15th day of December, 1905; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Real property  
in town of  
Thornbury  
vested in town  
corporation.

1. All the real property situate within the limits of the Town of Thornbury, which was at the date of the incorporation of the said town vested in the Township of Collingwood



wood, including the said wharf, harbour and storehouse, is declared to be and to have been as and from the 23rd day of April, 1887, vested in the Municipal Corporation of the Town of Thornbury, and all the provisions of *The Consolidated Municipal Act, 1903*, and of any other Act, from time to time, substituted for *The Consolidated Municipal Act, 1883*, so far as the same relate to the disposition of real property upon the incorporation of a village, shall be taken to apply and to have applied to the incorporation of the Town of Thornbury in like manner as if the said Town of Thornbury had been a village incorporated under the said *The Consolidated Municipal Act, 1883*.

2. Notwithstanding anything contained in the Act passed in the 33rd year of the reign of Her late Majesty Queen Victoria, Chaptered 64, and in the grants from the Crown of parcels numbers one and two, as mentioned in the agreement set out in the Schedule hereto, the Corporation of the said Town of Thornbury shall have the same power to sell, lease, convey, dispose of and contract in regard to all such portions of the said lands described as parcel number one as shall not be required for harbour purposes and for the purposes of the transportation and storage of freight, and those said lands described as parcel number two, and every part thereof as any subject of His Majesty has in regard to lands possessed by him in fee simple absolute, and the trusts and special purposes whereon the grants from the Crown of the said lands were made to the said Corporation of the Township of Collingwood be, and the same are hereby annulled, altered or modified, as the case may require, to conform to the said agreement. Provided that nothing herein contained shall affect or prejudice the just rights (if any) which have been acquired by any person, firm or corporation from either of the said municipal corporations. Provided, also that no part of the said lands shall be sold, leased, conveyed or otherwise disposed of by the said town, unless and until the assent of the qualified ratepayers of the said town has been obtained in accordance with the provisions of section 366a of *The Consolidated Municipal Act, 1903*.

Town of Thornbury to have power to sell and dispose of certain lands free from trusts, etc.

Proviso.

3. The lands described in the said agreement as parcel number three shall henceforth be and the same are hereby declared to be vested in the Thornbury Public School Board upon the trusts set forth in the grant thereof from the Crown.

Certain lands declared to be vested in Public School Board.

4. So far as the same relates to matters within the legislative jurisdiction of the Province of Ontario, the said agreement in the Schedule to this Act set out is confirmed and declared to be valid and binding upon the parties thereto.

Agreement in schedule confirmed.

56 V., c. 61,  
repealed.

5. The said Act, passed in the fifty-sixth year of Her late Majesty's reign, and intituled "An Act respecting an agreement entered into between the Corporation of the Township of Collingwood and the Corporation of the Town of Thornbury. Chaptered sixty-one, is hereby repealed.

#### SCHEDULE.

THIS INDENTURE made in duplicate the Fifteenth day of December, A. D. 1905, between the Corporation of the Township of Collingwood, in the County of Grey of the First Part, and the Corporation of the Town of Thornbury, in the said County of Grey of the Second Part.

Whereas by the Act passed in the fiftieth year of Her late Majesty's reign, chaptered sixty-eight, intituled "An Act to incorporate the Town of Thornbury," the unincorporated Village of Thornbury, in the Township of Collingwood, in the County of Grey, was incorporated as a town under the name of "The Corporation of the Town of Thornbury," apart from the Township of Collingwood, in which the said village was situate;

And whereas by the said Act no provision was made by which the real property of the Township of Collingwood, situate in Thornbury should become the property of the Town of Thornbury, and doubts have arisen as to the ownership of the said real property;

And whereas such real property included parcel number one, described as blocks lettered A, B, C, D, G, H, I, J, K and M, on the margin of the Georgian Bay, block lettered E on the margin of the Beaver River, the triangular block lettered L bounded by Bay street, Elma street and Beaver street, and all that part of the Mill Reserve of the said Town plot lying between the northern boundary of the lands heretofore granted by the Crown to the Honorable William B. Robinson and the Georgian Bay, as shown on the plan of survey by Provincial Land Surveyor Thomas Donovan, dated 31st August, 1869, of record in the Crown Lands Department—and also the water lots in the Georgian Bay in front of the said blocks and the said north part of the Mill Reserve on the margin of the Georgian Bay to a depth of sixteen feet water, as shewn also on the said plan of survey, granted by the Crown by patent dated the 14th day of September, 1871, to the said Corporation of the Township of Collingwood and their successors forever, for the purpose of making a harbor at the mouth of the Beaver River and for other purposes, for which a grant is authorized by the Act, 33 Victoria, chapter 64, and subject to the provisions of the said Act, and also included parcel number two, described as lots numbers five, six, seven, eight and nine on the southwest side of Bay street, and lots numbers five, six, seven, eight and nine on the northeast side of Huron street, in the town plot of Thornbury aforesaid (half an acre each), granted by the Crown by patent, dated the 20th day of November, 1878, to the Corporation of the Township of Collingwood, their successors and assigns forever in trust for a public park under the thirteenth section of *The Public Lands Act*, and also included parcel number three, described as park lot number seven on the northeast side of Alfred street in the said Town of Thornbury, granted by the Crown by patent dated the 4th day of February, 1859, to the Municipal Council of the said Township of Collingwood and their successors in office forever, in trust as a site for a common school for the benefit of the inhabitants of School Section number nine in the aforesaid Town of Thornbury, and for no other purpose whatsoever, and also included the wharf and harbor at the mouth of the Beaver River in the said Town of Thornbury, situate upon one of the said blocks on the margin of the Georgian Bay;

And

And whereas by the Act passed in the fifty-sixth year of Her late Majesty's reign, chaptered sixty-one, intituled "*An Act respecting an agreement entered into between the Corporation of the Township of Collingwood and the Corporation of the Town of Thornbury*," the parties hereto agreed, among other matters, that the said wharf and harbor should be under the joint jurisdiction and control of the said parties, and that all expenditures in connection therewith, including the maintenance, repair and re-building of the storehouse hereafter mentioned, should be borne by the said parties in the proportions therein set forth;

And whereas the said parties have jointly expended moneys in the construction of a storehouse adjoining the said wharf, and in repairs to the said wharf, and in the maintenance of the said harbor, and the said parties of the second part have expended considerable sums for the protection of said harbor in addition to the monies jointly contributed and expended by the said parties;

And whereas the parties of the first part have agreed to grant and release to the parties of the second part all their estate, right, title and interest in, to and out of all the real property situate in the Town of Thornbury, which was the property of the parties of the first part at the time of the incorporation of the said Town of Thornbury, including the said wharf and harbor, and also including the said storehouse, and the parties of the second part have agreed to release the parties of the first part from all liability in respect of the matters set out in the agreement which forms a schedule to the said Act, 56 Victoria, chapter 61, including all moneys expended by the parties of the second part alone in connection with the said harbor, and to assume all future expenditures in connection with the said wharf, harbor and storehouse, which would otherwise be payable by the said two corporations jointly;

And whereas the said parties have agreed that the said wharf, harbor and storehouse shall be under the sole jurisdiction and control of the said parties of the second part, and that the parties of the second part shall solely be subject to all duties and responsibilities in respect to the same now imposed upon the parties of the first and second parts jointly, and that the said parties of the second part shall have the sole right to impose and collect the tolls mentioned in the fifth paragraph of the said agreement embodied in the said Act, 56 Victoria, chapter 61, and the said parties hereto have agreed that the said Act, 56 Victoria, chapter 61, shall be repealed, and the agreement therein referred to and set out in Schedule A thereto shall be rescinded;

And whereas by the Act passed in the thirty-third year of Her late Majesty's reign, chaptered sixty-four, intituled "*An Act to authorize the Corporation of the Township of Collingwood in the County of Grey to construct certain works and acquire certain lands at the mouth of Beaver River, in the said Town of Thornbury*," a grant of the said lands described as parcel number one was authorized to be made to the said Corporation of the Township of Collingwood for the purposes in the said Act set out;

And whereas the said lands hereinbefore described as parcel number two are unsuited for the purposes of a public park, and are suited for buildings and yards for manufacturing and other business purposes;

And whereas a large portion of the said lands described as parcel number one is not and is not likely to be required for harbor purposes or for purposes of the transportation and storage of freight, and is suited for sites for business purposes and for manufacturing and other industries, and the said parties have agreed that the said lands granted to the said parties of the first part for a public park described as parcel number two, and so much of the said lands described as parcel number one granted for harbor purposes and for the purposes of the transportation and storage of freight as may not be required for the said purposes may be leased or sold by the parties of the second part and the proceeds  
of



of such lease or sale applied for the general uses of the said parties of the second part;

And whereas it is expedient that the said lands described as parcel number three should be vested in the Thornbury Public School Board upon the trusts in the grant thereof from the Crown set out;

And whereas the said parties have agreed to pass such By-laws and procure such legislation as may be necessary to render this agreement valid and binding on them;

Now this indenture witnesseth that the said parties hereto of the first and second parts hereby covenant and agree each with the other of them in manner following, that is to say:

1. The lands hereinbefore described, except parcel number three aforesaid, and all other lands (if any) situate within the limits of the Town of Thornbury, which were at the time of the incorporation of the said Town of Thornbury, the property of the Township of Collingwood are hereby declared to be and to have been since the twenty-third day of April, 1887, the property of the parties of the second part, and all the provisions of *The Consolidated Municipal Act, 1883*, now *The Consolidated Municipal Act, 1903*, so far as the same relate to the disposition of real property in the case of the incorporation of a village, shall be taken to apply to the incorporation of the Town of Thornbury in like manner as if the said Town of Thornbury had been incorporated under the said *The Consolidated Municipal Act, 1883*, now *The Consolidated Municipal Act, 1903*, and the said Town of Thornbury shall have the same power to sell, lease, convey, dispose of and contract in regard to the said lands except said parcel number three and except such portions of said parcel number one which are required for harbor purposes, or for the purposes of transportation and storage of freight, and every part thereof as any subject of His Majesty has in regard to lands possessed by him in fee simple absolute, and the said parties agree that the trusts and special purposes whereon the grants from the Crown of the said lands were made to the said Corporation of the Township of Collingwood be and the same are hereby annulled, altered or modified as the case may require to conform to this agreement.

2. And the said parties do and each of them doth hereby remise, release and forever discharge the other of them of and from all manner of actions, causes of action, debts, accounts, covenants, contracts, claims and demands whatsoever, which either of them now hath against the other or hereafter can, shall or may have against the other for or by reason of any matter, cause or thing in respect of the said lands, harbor, wharf and storehouse.

3. The said wharf, harbor and storehouse shall be the sole property and shall hereafter be under the sole jurisdiction and control of the said parties of the second part, and they shall be solely subject to all duties and responsibilities in respect to the same which have been imposed upon the parties of the first and second parts jointly.

4. The said parties of the second part shall hereafter have the sole right to impose and collect all tolls on all goods, wares, merchandise and chattels shipped on board or landed out of any vessel, boat or other craft from or upon or within the limits of the said wharf or harbor, and also upon all logs, lumber, timber, spars and masts going through the same or any part thereof, and on all vessels, boats or any other craft entering the said harbor.

5. The said lands described as parcel number three shall hereafter be vested in the Thornbury Public School Board, upon the trusts in the grant thereof from the Crown set forth.

6. The said agreement set out in the said Act, 56 Victoria, chapter 61, and the agreement of the 11th November, 1887, therein referred to, so far as the same relates to the joint control of the



said wharf, harbor and storehouse are hereby declared to be rescinded and to be replaced by this agreement

7. The said parties shall proceed at as early a date as possible to obtain such legislation as may be necessary to confirm and render valid this agreement.

8. The costs of and incidental to, the preparation and execution of this agreement, the by-laws authorizing the same, all necessary conveyances to carry out the terms of the said agreement, and of the said Act or Acts so to be applied for, shall be borne and paid by the said parties in the proportion of two-thirds thereof by the said Corporation of the Township of Collingwood, and one-third thereof by the said Corporation of the Town of Thornbury.

In witness whereof the said corporations have respectively hereto affixed their corporate seals and the Reeve and Mayor and Clerk thereof respectively have set their hands.

Signed, sealed and delivered  
in the presence of

(Corporate Seal).

S. R. McKNIGHT,  
Reeve, Township of Collingwood.

EDWARD RORKE,  
Clerk, Township of Collingwood.

(Corporate Seal).

HY. PEDWELL,  
Mayor, Town of Thornbury.

EDWARD RORKE,  
Clerk, Town of Thornbury.

## CHAPTER 99.

## An Act respecting the City of Toronto.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the Municipal Corporation of the City of Toronto has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas before the acquisition of a site and the construction thereon of large factory buildings by D. Conboy and Company, wholesale carriage manufacturers, the council of the City of Toronto agreed with the said company to apply for legislation to allow the said council to fix the assessment of the said company for ten years and it is expedient that the said power should be granted; and whereas it is expedient that the tax sales of land in the said city and the tax deeds given in the years 1903 and 1904 should be validated for the more convenient dealing in lands so sold; and whereas no objections have been made to any of the by-laws referred to in schedule "A" hereto, and no opposition has been offered to the confirmation thereof, and it is desirable that the said by-laws be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

D. Conboy &  
Co. assessment

1. For a period of ten years from the 1st day of January, 1906, the Corporation of the City of Toronto may fix at the sum of \$25,000 the assessment of D. Conboy and Company, wholesale carriage manufacturers, upon the lands purchased by them in 1905 on the east side of the Don roadway north of Eastern avenue, together with such buildings thereon as may be erected before the 1st day of July, 1906. The said assessment of \$25,000 shall include assessment for business tax upon the value of such lands and buildings but shall not include buildings erected after the said 1st day of July 1906, or the assessment for business

business tax based thereon, and school taxes shall be levied and collected upon the whole assessable value of the property of the said D. Conboy and Company as though this Act had not been passed.

2. Subsection 7 of section 1 of the Act passed in the 49th year of the reign of Her late Majesty, Queen Victoria, and chaptered 66, as amended by the Act passed in the 52nd year of the reign of Her said late Majesty, and chaptered 73, is hereby amended by adding at the end thereof the words, "provided that, except as to the portion of the said lands already laid out by registered plan as a "road" fifty feet wide on each side of the River Don, the laying out of the said lands or any part thereof as and for such public esplanade or highway, or the adoption and registration of a plan laying out the same, or the passing of any by-law authorizing the said plan or the said laying out, shall not make the same a public highway, and the same shall not be or become a public highway unless and until so declared by a by-law of the council of the said corporation; and the council of the said corporation may set apart by by-law a portion or portions of the said esplanade or highway on the east side of the River Don not marked "road" on the plan thereof, as a speedway or place where horses may be driven or ridden more rapidly than is permitted on the streets of the city, and may pass by-laws for regulating and governing the use of such portion for the aforesaid purposes, and the passing of such by-law and the use of such lands as aforesaid shall not be or be taken as a dedication of the same as a public highway or street."

49 V., c. 66, s. 1.  
(7), amended.

Don improve-  
ment  
roadways.

3. The council of the said corporation may include in its estimates for the year 1906, and may grant a sum not exceeding \$2,500 to be applied toward the expenses incurred or to be incurred in connection with the meeting of the British Medical Association to be held in the City of Toronto this year.

Grant for  
British Medical  
Association.

4. Section 2 of the Act passed in the fifth year of the reign of His Majesty and chaptered 83, is amended by striking out the figures "200,000." in the seventh line thereto and substituting therefor the figures "400,000."

5 Edw. VII., c.  
83, s. 2,  
amended.  
Ashbridge's  
Bay improve-  
ments.

5. For the purposes of improving and adding to the value of the lands belonging to the corporation of the City of Toronto in the neighbourhood of Ashbridge's Bay, and to give increased facilities to manufacturers in that neighbourhood, the said corporation may expend a portion of the money authorized to be raised by section 2 of the Act, passed in the fifth year of His Majesty's reign, chaptered 83, as amended by the preceding section in the construction on the lands of the said corporation of a railway siding for manufacturing industries.

Construction  
of railway  
siding for  
industries.

Agreement  
with railways  
for operation.

6. The said corporation may enter into an agreement or agreements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or any other railway company for the working, operation or use of the said siding, and may, with the consent of the said railway companies, or any of them, unite or join with its railway at or near the said lands of the said corporation, and may enter into agreements with owners or occupants of lands adjoining the said siding for the use thereof upon terms to be agreed upon, or, in case of disagreement, to be determined by the Ontario Railway and Municipal Board.

S. 70 of Ont.  
Ry. Act, to  
apply to siding.

7. For the purposes of the preceding two sections of this Act, the said corporation shall have the powers conferred upon railway companies by section 70 of *The Ontario Railway Act, 1906*, relating to "switches and sidings to industries," but shall not in other respects be deemed to have the powers or to be subject to the obligations of a railway company.

3 Edw. VII., c.  
386, s. 8  
amended.

8. Section 8 of the Act passed in the third year of the reign of His Majesty, and chaptered 86, is amended by striking out the words "on the part of any official of said city" in the twentieth line of the said section and inserting in lieu thereof the words "by the said city, or the council, or any official of said city;" provided, that nothing in this section contained shall affect any litigation pending at the time of the passing of this Act.

Tax sales  
validated.

9. The sales of lands in the said city made in the years 1903 and 1904, for arrears of taxes in respect of the lands so sold, including sales of land which may have been purchased by the council of the said city or by any one on behalf of the said council under the provisions of *The Assessment Act* and all tax deeds issued in pursuance of such sales, are confirmed and declared to be and to have been legal, valid and binding to all intents and purposes notwithstanding any error or irregularity in the said sales or deeds or in any of the proceedings including the assessment of the said lands or proceedings to collect the taxes thereon taken prior to the said sales and the execution of the said deeds.

4 Edw. VII., c.  
23.

10. The by-laws of the Corporation of the City of Toronto specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

Debenture  
by-laws  
confirmed.

11.



11. Section 5 of the Act passed in the third year of the reign of His Majesty, and chaptered 86, is amended by adding after the word "in" in the eighth line thereof the words "or within one mile of the limits of."

3 Edw. VII.,  
c. 86, s. 5  
amended.  
Purchase  
parks, etc.

12. The council of the said corporation may, without submitting the same to the ratepayers qualified to vote on money by-laws, pass such by-laws as from time to time may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount as may be required to raise the sum of \$220,500 for the following purposes:

Power to issue  
debentures  
for certain pur-  
poses without  
assent of rate-  
payers.

Wallace Avenue, steel foot bridge .....	\$ 4,500
Steel hydraulic dredge .....	54,000
12 in. water main on Poplar Plains Road .....	12,000
Enlargement of House of Industry .....	10,000
Completion of new St. Lawrence Market...	50,000
Cattle Market improvements .....	45,000
Crib work on Block "D," Harbor Square .....	15,000
Widening of Front Street between Bay Street and Customs House .....	30,000
	<hr/>
	\$220,500

and for such purposes, or any of them may issue any number of debentures payable in this Province or elsewhere in sums of not less than \$100 each, which may be payable at any time within forty years from the respective dates thereof (except the debentures for the cost of the said hydraulic dredge which shall be payable within ten years from the date thereof), with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly, and for the purpose of redeeming such debentures and paying the interest thereunder the council of the corporation of the City of Toronto may, in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all rateable real and personal property in the said municipality over and above and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

## SCHEDULE "A."

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total cost of work.	Amount to be borne by City.	Amount to be borne by Ratepayers.	Period of Payment.	Rate of Interest.
			\$ c.	\$ c.	\$ c.	Years.	
4479	General Consolidated Loan Debentures to erect and improve certain buildings in the Exhibition Park.....	January 23, 1905.	300,000 00	300,000 00	.....	40	3½
4480	General Consolidated Loan Debentures to provide proper and adequate fire protection for the City of Toronto.....	" 23, 1905.	700,000 00	700,000 00	.....	40	3½
4481	General Consolidated Loan Debentures to purchase the Perkins' property for the new Public Library.....	" 23, 1905.	83,277 81	83,277 81	.....	40	3½
4488	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1904.....	February 27, 1905	84,562 88	14,946 25	69,616 63	10	3½
4489	Local Improvement debentures to defray the Ratepayers' share of the cost of certain plank sidewalks constructed in the year 1904.....	" 27, 1905	3,086 60	455 98	2,630 62	3	3½
4492	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain asphalt pavements constructed in the year 1904.....	March 13, 1905....	164,727 41	44,803 01	119,924 40	10	3½
4493	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1904.....	" 13, 1905....	60,231 97	11,963 01	48,268 96	10	3½
4494	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain brick pavements constructed in the year 1904.....	" 13, 1905....	58,971 18	27,995 89	30,975 29	10	3½
4495	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain macadam pavements constructed in the year 1904.....	" 13, 1905....	2,312 83	495 49	1,817 34	3	3½

## SCHEDULE "A."—Continued.

No. of By-law.	Nature of Work under By-law.	When passed by Council.	Total cost of work.		Amount to be borne by City.		Amount to be borne by Ratepayers.		Period of Payment.	Rate of Interest.
			\$	c.	\$	c.	\$	c.	Years.	%
4496	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain tar macadam pavements constructed in the year 1904.	March 13, 1905...	40,146	93	11,962	93	28,184	00	5	3½
4497	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain macadam pavements constructed in the year 1904.	" 13, 1905...	48,117	98	13,532	23	34,585	75	5	3½
4498	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain cedar block pavements constructed in the year 1904.	" 13, 1905...	7,471	32	2,087	72	5,383	60	5	3½
4499	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1904.	" 13, 1905...	76,371	49	12,847	55	63,523	94	10	3½
4500	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1904.	" 13, 1905...	10,001	99	1,714	22	8,287	77	10	3½
4501	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain concrete curbing constructed in the year 1904.	" 13, 1905...	1,197	42	242	77	954	65	10	3½
4502	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain sewers constructed in the year 1904.	" 13, 1905...	20,138	88	2,189	38	17,949	50	10	3½
4504	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain sewers constructed in the year 1904.	" 27, 1905...	2,617	35	150	00	2,467	35	10	3½
4505	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain brick pavements constructed in the year 1904.	" 27, 1905...	10,118	99	5,550	86	4,568	13	10	3½

4506	Local Improvement Debentures to defray the Ratepayers' share of the cost of certain plank sidewalks constructed in the year 1904 .....	"	27, 1905...	3,955 20	669 18	3,286 02	3	3½
4507	Grading of Kenilworth Avenue, between Queen Street and a point fourteen hundred and thirty-six feet south .....	"	27, 1905...	75 22	5 80	69 42	3	3½
4508	Stone Curbing on the south side of Adelaide Street, between Church Street and Francis Street .....	"	27, 1905...	405 04	184 44	220 60	10	3½
4509	Wood Curbing and the removal of the sidewalk out to the curb on the north side of Robinson Street, between Manning Avenue and Bellwoods Avenue .....	March	27, 1905 ..	181 30	78 30	103 00	3	3½
4510	Macadam Pavement, with wood curbing, on the south side of Marlborough Place, between Avenue Road and a point six hundred and forty-six feet east .....	"	27, 1905 ..	1,015 90	200 64	815 26	5	3½
4511	Paving Block Pavement on Front Street, between Simcoe Street and John Street .....	"	27, 1905...	17,940 01	2,597 47	15,342 54	10	3½
4512	Grading of Leslie Street, between Harriet Street and the right of way of the Grand Trunk Railway Company, and of Ivy Avenue, between Leslie Street and a point 300 feet east .....	"	27, 1905...	1,191 50	310 50	881 00	5	3½
4513	Cedar Block Pavement, with Stone Curbing, on Church Street, between Front Street and Esplanade Street .....	"	27, 1905...	5,306 26	1,355 76	3,949 50	8	3½
4514	Concrete Sidewalk and Curbing on the south side of Marlborough Place, between Avenue Road and a point 646 feet east .....	"	27, 1905...	833 68	149 83	683 85	10	3½
4515	Plank Roadway, on Manitou Road, on the Island, between the Bridge and a point 951 feet south .....	"	27, 1905...	747 41	314 41	433 00	3	3½
4516	Concrete Pavement on Spadina Place, between Cecil Street and a point 280 feet north .....	"	27, 1905...	1,065 51	296 51	769 00	10	3½
4517	Extension of Preston Avenue, between Northumberland Street and Bloor Street .....	"	27, 1905...	2,356 32	.....	2,356 32	5	3½
4526	Construction of the Dundas Street Bridges .....	April	10, 1905...	157,388 75	67,234 10	25,000 00	10	3½
4539	Local Improvement Debentures to defray the ratepayers share of the cost of certain concrete sidewalks constructed in the year 1904 .....	May	8, 1905...	1,348 44	194 46	1,153 98	10	3½



SCHEDULE "A."—*Concluded.*

No. of By-law.	Nature of work under by-law.	When passed by Council.	Total cost of work.		Amount to be borne by City.		Amount to be borne by Ratepayers.		Period of Payment.	Rate of Interest.
			\$	c.	\$	c.	\$	c.	Years	%
4540	Local Improvement Debentures to defray the ratepayers' share of the cost of certain Plank sidewalks constructed in the year 1904.....	May 8, 1905.....	500	77	106	67	394	10	3	3½
4553	General Consolidated Loan Debentures to erect and enlarge certain schools and to enlarge sites for Public Schools.....	June 12, 1905.....	176,666	66	176,666	66			39	3½
4554	General Consolidated Loan Debentures to meet the cost of certain Permanent Improvements.....	" 12, 1905.....	118,817	20	118,817	20			39	3½
4579	General Consolidated Loan Debentures to make a grant to the Provincial Hospital.....	July 17, 1905.....	215,053	76	215,053	76			39	3½
4583	Local Improvement Debentures Consolidating the broken amounts, being the ratepayers' share named in certain Local Improvement By-laws.....	" 17, 1905.....	538,197	68			538,197	68	Vari-ous.	3½
4584	Local Improvement Debentures Consolidating the City's proportion of the amounts named in certain Local Improvement By-laws.....	" 17, 1905.....	268,238	52	268,238	52			Vari-ous.	3½
4594	General Consolidated Loan Debentures to enlarge the Jameson Avenue Collegiate Institute Building.....	October 9, 1905..	33,270	50	33,270	50			39	3½
4630	General Consolidated Loan Debentures to purchase Parks and Playgrounds and to make permanent improvements thereon.....	December 26, 1905	149,138	00	149,138	00			39	3½

## CHAPTER 100.

## An Act respecting the Town of Trenton.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Trenton has, by petition, represented that under the authority of the Act passed in the fiftieth year of the reign of Her late Majesty, Queen Victoria, chaptered 73, the said Town issued debentures for \$25,000, which will mature in the year 1907, for the purpose of consolidating a floating indebtedness; that under the authority of By-law No. 324 of the said Town debentures were issued in the year 1899 for \$28,267.34 for the purpose of developing a water power on the Trent River, and which will mature in the year 1909; and whereas the said Municipal Corporation, since the issue of said outstanding debentures, has been forced to expend, with the consent of the ratepayers, large sums of money in maintaining said developed water power, and keeping the same in repair and available for the purpose of inducing manufacturers to locate within the town, and the said development has not made the expected returns; and the said town has thereby, to a large extent, been unable to make provision for redeeming said outstanding debentures; and whereas the said corporation has prayed that an Act may be passed authorizing the said corporation to issue debentures to redeem the said outstanding debentures; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Trenton aforesaid to raise by way of loan on the credit of the debentures to be issued under the authority of this Act,

Debentures  
for \$53,267.34  
authorized.

from any person or persons or body corporate, a sufficient sum or sums to retire the said existing debentures in all amounting to \$53,267.34, exclusive of interest thereon.

2. It shall be lawful for the said Corporation from time to time to pass a by-law or by-laws providing for the issue of debentures under the corporate seal, signed by the Mayor and countersigned by the Treasurer for the time being, in such sums not less than \$100 each and not exceeding in the aggregate \$53,267.34, and payable at such places as the corporation may deem expedient.

Issue of  
debentures.

3. The said Corporation may, for the purpose herein mentioned, raise money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as may be deemed expedient.

Power to sell  
or borrow  
on debentures.

4. The said debentures shall be payable in not more than thirty years from the issue thereof, as the said Corporation may direct. Coupons shall be attached to said debentures for the payment of the interest thereon, and such interest shall be payable yearly at the places mentioned therein, and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding four per cent. per annum.

Payment of  
debentures  
and interest.

5. Any debt incurred under the authority of this Act shall be payable in thirty years at the furthest from the date of the issuing of said debentures, and shall be payable in equal annual instalments, including principal and interest, in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal as nearly as may be to what is payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged.

Term of  
debentures.

6. The said Corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "Water Power Debenture Rate;" and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Special rate.

7. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in the redemption of the debentures of the Town of Trenton to the amount of \$53,267.34, and in no other manner and for no other purposes whatsoever; and such debentures may be known as the "Water Power Debentures."

Application  
of proceeds of  
debentures.

8. The Treasurer of the said Town shall, on receiving instructions from the Council so to do from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with

Retirement  
of outstanding  
debentures.

with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said Council and the holders of the said outstanding debentures.

\* By-law not to be repealed until debt satisfied.

9. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said Town of Trenton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, or to register or promulgate same.

Treasurer to keep proper books of account.

11. It shall be the duty of the Treasurer for the time being of the said Town to keep, and it shall be the duty of each of the members, from time to time, of the said Municipal Council to procure such Treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the time at which the said debentures shall, respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Form of debentures.

12. The said debentures issued under this Act may be in the form contained in schedule "A" to this Act, and the by-laws authorizing the same may be in the form of schedule "B" to this Act.

Inconsistent enactments not to apply.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the Corporation



poration for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-laws or issue of debentures or as to the application of the proceeds thereof.

14. This Act may be cited as *The Town of Trenton Debenture Act, 1906.* Short title.

### SCHEDULE "A."

(Section 12.)

#### DEBENTURE.

Province of Ontario, Town of Trenton  
No. §

Under and by virtue of *The Town of Trenton Debenture Act, 1906*, and By-law No. of the corporation of the Town of Trenton, passed under the provisions contained in the said Act, the corporation of the Town of Trenton promises to pay the bearer at in the sum of

on the day of A.D. and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Trenton, in the County of Hastings, this day of A.D.

Mayor.

Treasurer.

### SCHEDULE "B."

(Section 12.)

#### BY-LAW.

By-law No. to authorize the issue of debentures under the authority of *The Town of Trenton Debenture Act, 1906.*

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not to exceed \$53,267.34 in the whole as the corporation of the Town of Trenton may in pursuance of and in conformity with the provisions of the said Act direct;

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$ payable with interest thereon at the rate of per centum per annum, payable yearly according to the coupons to the said debentures attached;

And whereas the amount of the whole rateable property of the said Town of Trenton, according to the last revised assessment roll of the said town being for the year was \$

Therefore the municipal corporation of the Town of Trenton enacts as follows:—

1. Debentures under the said Act and for the purposes mentioned therein to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord

CHAPTER

## CHAPTER 101.

## An Act to consolidate the Floating Debt of the Town of Wallaceburg.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the corporation of the Town of Wallaceburg has, by petition, represented that the said corporation has incurred a floating debt amounting to the sum of \$25,000, as set out in Schedule "B" hereto; that \$19,414 of the said floating debt is due and owing to the Bank of Montreal, being moneys borrowed from time to time to pay the cost of certain extensions and improvements to schools, the construction of concrete sidewalks and sewers, repairs to the two iron bridges across the river Sydenham and other necessary and permanent improvements, and also expenses in connection with an epidemic of smallpox; that to liquidate the said floating debt forthwith in addition to meeting the necessary annual expenditure of the said town would be unduly oppressive to the ratepayers; that the council of the said corporation did on the 5th day of March, 1906, submit By-law No. 122 of the said town, set out as Schedule "A" hereto, to the qualified electors of the said town for the purpose of consolidating the said floating debt, when 72 electors voted for the said by-law, and 68 against the same; and whereas the said corporation has further represented that since the passing of *The Assessment Act, 1904*, doubts have arisen as to whether the Wallaceburg Sugar Company, Limited, are liable to business assessment in addition to the taxes to be paid by the said company under and in pursuance of the terms of the Act passed in the first year of His Majesty's reign, chaptered 74, and of the by-law of the said corporation set out as Schedule "A" to the said Act; and whereas it was the intention that the said company should not pay any taxes other than as provided by the said Act and by-law and the agreement made between the said corporation and the said company in pursuance of the said by-law; and whereas it is desirable to remove any doubt and to declare that the said company shall be exempt from any business assessment during the remaining years of the period of ten years covered by the said

said Act and the by-law therein set out; and whereas the said corporation has prayed that an Act may be passed to confirm the said By-law No. 122, and to exempt the Wallaceburg Sugar Company, Limited, from business assessment during the remainder of the period of ten years as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 122 of the Municipal Corporation of the Town of Wallaceburg, as set forth in Schedule "A" to this Act, is declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and incorporated in this Act, and notwithstanding any want of jurisdiction in the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form in the said by-law or in the manner of passing the same.

By-law No. 122  
of Town of  
Wallaceburg  
confirmed.

2. It shall be lawful for the said municipal corporation of the Town of Wallaceburg to raise by way of loan the sum of \$25,000 on the credit of the debentures issued or to be issued under and pursuant to the provisions of the said by-law, and repayable in the manner and at the times therein provided.

Issue of  
debentures for  
\$25,000 author-  
ized.

3. The said debentures and all monies arising therefrom shall be applied by the said corporation in payment of the said floating debt of \$25,000, and in no other manner and for no other purpose whatsoever.

Application of  
proceeds of  
debentures.

4. Notwithstanding anything contained in *The Assessment Act* or any other Act to the contrary, the Wallaceburg Sugar Company, Limited, shall be exempt from business assessment, under *The Assessment Act*, for the remainder of the period of ten years, including the year 1906, mentioned in the Act passed in the first year of His Majesty's reign, chaptered 74, and in the by-law set out as Schedule "A" thereto.

Wallaceburg  
Sugar Co. to be  
exempt from  
business  
assessment.

5. The Corporation of the Town of Wallaceburg shall in each year levy the rates necessary for payment of the current annual expenses of the municipality, and of the interest and principal of debts heretofore contracted, including the floating debt consolidated by this Act, but shall not incur any further debt or liability without the sanction of the Legislature, and any debt or liability (beyond the current annual expenses) hereafter contracted without the sanction of the Legislature shall be void and of no effect

Town not to  
borrow except  
for current  
expenses  
without  
sanction of  
Legislature.

as against the said corporation, and every member or officer of the said corporation who shall authorize or join in authorizing or carrying out any such debt or liability shall be held civilly liable for the full amount thereof.

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#### SCHEDULE A.

##### By-Law No. 122.

A by-law for the purpose of consolidating the floating debt of the Town of Wallaceburg.

Whereas it is expedient and considered necessary by the council of the corporation of the Town of Wallaceburg to raise by the sale of debentures of said town a certain sum of money to pay off the now existing floating debt of the said town, which now amounts to the sum of \$25,000.00;

And whereas in order to pay off such debt it will be necessary to raise by sale of debentures of said town the sum of \$25,000.00, to be repaid in thirty equal annual instalments, including interest, and that said debentures shall bear interest at the rate of  $4\frac{1}{2}$  per cent. per annum, and that each instalment of principal and interest shall be of such amount that the aggregate amount payable in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period;

And whereas it will require the sum of \$1,534.78 to be raised annually from all the rateable property in the said town during the currency of said debentures for paying said debt and interest;

And whereas the amount of the whole rateable property of the Town of Wallaceburg, according to the last revised assessment roll of said town, being for the year 1906, amounts to \$766,228.03;

And whereas the existing debenture debt of the municipality of the corporation of the Town of Wallaceburg amounts to \$98,409.17, and no part of the principal or interest is in arrears;

And whereas of such debenture debt the sum of \$1,925.82 consists of public school debentures;

Now, therefore, the municipal council of the Town of Wallaceburg enacts as follows:—

1. That the sum of \$25,000.00 shall be raised by way of loan from some person or persons or body corporate who may be willing to advance the same for the purpose hereinbefore recited, and that the sum, and interest at the rate of  $4\frac{1}{2}$  per cent. per annum, shall be repaid in thirty equal annual instalments, of \$1,534.78 each, including interest.

2. That for the purpose aforesaid and for securing the said sum of \$25,000.00 and interest the mayor of the said Town of Wallaceburg is hereby authorized for and on behalf of the corporation of the Town of Wallaceburg, to be caused to be issued debentures in the sum of not less than (\$100) one hundred dollars each, and cause the seal of the said corporation to be attached thereto, and such debentures shall be signed by the said mayor and countersigned by the treasurer of the municipality, and that said debentures shall have coupons attached for the payment of interest.

3. That said debentures shall be payable respectively in thirty equal annual instalments, including interest, of \$1,534.78 each from the day of the date of such debenture upon presentation at the Bank of Montreal at Wallaceburg.

4. There shall be raised and levied in each year by special rate upon all the rateable property in the said corporation of the Town



of Wallaceburg a sufficient sum to discharge each debenture and interest coupons as the same shall become due and payable.

5. That this by-law shall take effect on the 16th day of March, 1906.

6. That the votes of the ratepayers entitled to vote on by-laws in the corporation of the Town of Wallaceburg shall be taken on this by-law at the following time and places, that is to say, on Monday, the 5th day of March, 1906, when a poll will be opened at nine o'clock in the forenoon and continue open until five o'clock in the afternoon of the same day in the following places named:—

St. Andrew's Ward, at the Town Hall, James Beattie, deputy returning officer.

St. George's Ward, at the Fire Hall, H. E. Johnson, deputy returning officer.

St. James' Ward, at Harry Martin's Shop, Harry Martin, deputy returning officer.

7. On Saturday, the 3rd day of March, 1906, the mayor shall attend at the clerk's office, at 8 o'clock p.m., to appoint, and shall appoint, persons to attend the following places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

8. The clerk of the council of the corporation of the Town of Wallaceburg shall attend at his office in the said corporation at 10 o'clock in the forenoon on Tuesday the 6th day of March, 1906, and sum up the number of votes given for and against this by-law.

Passed in open council this 16th day of March, 1906.

Received the assent of the ratepayers the 5th day of March, 1906.  
(Seal.)

(Sgd.) H. A. STONEHOUSE,  
Mayor.

(Sgd.) H. E. JOHNSON,  
Clerk.

## SCHEDULE B.

### STATEMENT OF THE FLOATING DEBT OF THE TOWN OF WALLACEBURG.

Notes due Bank of Montreal .....	\$19,414
County rate for 1905, unpaid .....	735
Separate school requisitions for 1905, unpaid .....	1,200
Public school requisitions for 1905, unpaid .....	1,698
Interest on above debt until sale of debentures .....	300
Expenses of Special Act .....	225
Discount on sale of debentures .....	500
Cost of special audit, and other accounts of 1905, outstanding .....	1,000
	<hr/>
	\$25,072

## CHAPTER 102.

An Act respecting the Town of Welland and  
M. Beatty & Sons, Limited.*Assented to 27th April, 1906.*

## Preamble.

WHEREAS the Municipal Corporation of the Town of Welland, have by petition prayed that an Act may be passed to ratify, confirm and legalize by-law No. 199 of said Corporation entitled "A By-law providing that the assessment of the lands and premises hereinafter described be fixed at \$10,000 per annum for the period of twenty years"; and whereas the said Corporation has represented that M. Beatty & Sons, Limited, have acquired and taken over the business of M. Beatty & Sons, Manufacturers of Dredges, Machinery and contractors plant generally, and who for many years have successfully carried on said business in Welland, employing a large number of skilled mechanics and others, paying out in wages \$35,000 to \$40,000 annually, that the business of said company has increased to such an extent that it is necessary for them to remove their plant to a new site and erect new buildings having three or four times the capacity of the present works and that for this purpose the company have purchased about eight acres of vacant land along the Welland Canal, in the said Town of Welland, which land is now assessed at less than \$1,000, on which they propose to erect said new plant and works; and whereas the enlargement of the said industry will greatly benefit the citizens of the said Town by increasing the value of property and by giving employment to many young men who otherwise will be obliged to leave home to seek employment elsewhere; and whereas a poll was held on 11th August, 1905, for taking the votes of the ratepayers entitled to vote on the said by-law and a poll book prepared containing the names of all persons so entitled, amounting to four hundred and seventy-three names of persons so entitled to vote and at said election or poll four hundred and forty-three persons so entitled to vote polled their votes in favour of said by-law and only five persons

sons recorded their votes against said by-law, shewing as a result that the ratepayers were practically all in favour of said by-law; and whereas no opposition has been offered to the confirmation of the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

1. Subject to the provisions of section 2 hereof, By-law No. 199 of the municipal corporation of the Town of Welland, set forth in Schedule "A" to this Act is hereby confirmed and declared legal and binding for all purposes, on the said Town of Welland, and the ratepayers thereof notwithstanding anything in any Act to the contrary.

By-law No. 199 of town of Welland confirmed.

2. Notwithstanding anything contained in the said by-law, the lands and property mentioned therein shall be subject to taxation for all local improvement works and assessments as if the said by-law had not been passed.

Property not to be exempt for local improvements.

#### SCHEDULE A.

##### BY-LAW No. 199.

A By-law providing that the assessment of the lands and property hereinafter described be fixed at \$10,000 per annum for the period of twenty years.

Whereas M. Béatty & Sons, Limited, have represented that the said company are now seized of the lands and premises hereinafter described, and that a large sum of money will be expended by the said company upon the said lands in erecting buildings thereon and installing therein the plant and machinery for carrying on the manufacturing of dredges, machinery and contractor's plant generally;

And whereas the said company have requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of \$10,000 each year for the period of twenty years, to be computed from the first day of January, 1906;

And whereas it appears expedient to accede to said request. Be it, therefore, enacted by the municipal council of the corporation of the Town of Welland:

1. That all and singular these certain parcels or tracts of land and premises situate, lying and being in the Town of Welland, in the County of Welland, Province of Ontario, containing by admeasurement about eight acres, more or less, being butted and bounded as follows. that is to say: Bounded on the north by Crowland Street, on the east by Muir Street and Front Street (a continuation of Muir Street), on the south by a line drawn parallel with the southern boundary of the road allowance between the fifth and sixth concessions of the Township of Crowland and one hundred and thirty-two feet (132) south of said southerly boundary, and on the west by the Welland Canal, saving and excepting thereout the property of Harry W. Boyd, together with all buildings.

buildings, stock-in-trade, plant, machinery, fixtures and materials now or hereafter thereon or therein and all other personal property on said lands owned by M. Beatty & Sons, Limited, for the period of twenty years, to be computed from the first day of January, 1906, shall be annually assessed for all purposes "en bloc" at the sum of \$10,000, and no more, as a fixed assessment, and said lands and premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works, where the costs thereof or any part thereof is or would otherwise be charged against the lands specifically benefitted thereby.

2. In case any part or parts of said lands shall be used for the purposes of dwelling houses or for any purposes not connected with the business of the company, such part or parts when and so long as used for such purposes shall be assessed as if this by-law had not been passed, and in the event of the destruction of the buildings to be erected on said property, or any part thereof, so that the value of the same with the said lands and other property shall not be equal to the said sum of \$10,000, an assessment will be made while such value is under \$10,000, as if this by-law had not been passed.

3. The assessor and other officers making such assessment are hereby authorized to so make their assessment and returns as to conform to the provisions of this by-law.

4. Application shall be made by the municipal corporation or the said company to the Legislature of the Province of Ontario to confirm this by-law, and to carry the provisions thereof into effect, and if such application be made by the company the municipal corporation will give its consent thereto.

5. The votes of the duly qualified electors of the Town of Welland shall be taken on this by-law on Friday, the eleventh day of August, next, at the following places and before the following deputy returning officers, commencing at the hour of nine o'clock in the forenoon and ending at the hour of five o'clock in the afternoon of the same day, that is to say: Polling division No. 1, at the town hall, and George Wells shall be the deputy returning officer; polling division No. 2, at Ellsworth's shop, and John McCaw shall be the deputy returning officer; polling division No. 3, at Swart's harness shop, North Main Street, and W. F. Swarts shall be the deputy returning officer; polling division No. 4, at Beatty's paint shop, and L. V. Garner shall be the deputy returning officer.

6. The twelfth day of August, 1905, at the hour of eleven o'clock in the forenoon, at the office of the town clerk, are hereby fixed as the time when and the place where the clerk will sum up the number of votes given for and against the by-law.

7. The tenth day of August, 1905, at the hour of eleven o'clock in the forenoon, at the office of the town clerk, are hereby fixed as the time and place for the appointment of the persons to attend at the various places and a final summing up of the votes by the clerk, respectively, on behalf of the persons interested in the promotion or opposing the passing of the by-law specified.

Passed in council this 14th day of August, 1905.

G. W. SUTHERLAND,  
Mayor.

(Seal).

H. W. BOYD,  
Clerk.



## CHAPTER 103.

## An Act to confirm By-law number 198 of the Town of Welland.

*Assented to 27th April, 1906.*

**W**HEREAS the Plymouth Cordage Company of North Preamble.  
Plymouth, Massachusetts, U.S.A., the owners of an immense manufacturing plant there, manufacturing all kinds of cordage decided to locate a branch of its business in the Town of Welland, in the County of Welland, and build an immense plant and a great number of buildings and employ several hundred hands, provided the said Town would fix its assessment for a period of twenty years at the sum of \$20,000, and whereas the said Town, realizing the importance and benefit of such an industry to the Town and locality and Province at large, deemed it advisable to do so as set out in the by-law in Schedule "A" hereto, provided the electors would consent thereto; and whereas the said by-law set out in Schedule "A" hereto was duly read a first and second time in council, and on the 11th day of August, 1905, was submitted to the electors and ratepayers of said town in accordance with the provisions of *The Municipal Act*, and carried practically unanimously, there having been out of a total number of 449 votes polled, 448 in favour of and only one against said by-law, the total number of ratepayers entitled to vote on said by-law being 473; and whereas said by-law was on the 14th August, 1905, finally passed by the council of the said town; and whereas no application has been made to quash or set aside the said by-law; and whereas the term of years of said fixed assessment is perhaps longer than authorized by the said *Municipal Act*; and whereas it is considered necessary that said by-law should be confirmed; and the Corporation of the said Town has petitioned that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 198  
of Town of  
Welland, con-  
firmed.

1. Subject to the provisions of sections 2 and 3 hereof, By-law Number 198 of the Municipal Corporation of the Town of Welland, set forth as Schedule "A" to this Act, is legalized, confirmed, and declared to be legal, valid and binding, notwithstanding anything in any Act contained to the contrary.

Lands used for  
residential  
purposes, etc.,  
not to be in-  
cluded in fixed  
assessment.

2. Notwithstanding anything contained in the said by-law, so much of the lands mentioned therein, including buildings, erections and improvements thereon, as are now or may hereafter be used or occupied for residential purposes, or for the purpose of carrying on the business of a retail merchant, or for purposes other than the manufacturing business of the said Company, shall be assessed and be liable to taxation in the same manner and to the same extent as if the said by-law had not been passed.

Lands to be  
liable for local  
improvements.

3. Notwithstanding anything contained in the said by-law, the lands mentioned therein shall be liable to assessment and taxation for local improvement works in the same manner and to the same extent as if the said by-law had not been passed.

#### SCHEDULE "A."

##### BY-LAW NUMBER 198.

A By-law fixing the assessment of the property of the Plymouth Cordage Company in the Town of Welland, for a period of years, and providing water in connection therewith, and for fire protection, and a sewer as far as the lands of the said Company.

Whereas the said the Plymouth Cordage Company has signified its intention of locating in the said Town of Welland upon the lands hereinafter mentioned, upon certain conditions, namely, that the said lands and the property of the said company thereon shall be assessed at \$20,000.00 a year for the next twenty years, and the said company shall be supplied to its premises, free of charge, during such period, such water as it may require, in connection with its premises, and for fire protection, and that a sewer shall be provided as far as its said lands;

And whereas the said the Plymouth Cordage Company will erect on said lands a large plant costing a large sum of money, and will employ a large number of hands, and pay out a large sum of money annually in wages, and the effect of this will be to materially increase the population of the town, enhance the value of real estate, and produce a greater revenue for the town, and the circulation of a large sum of money yearly, and it is most desirable and reasonable to grant what the said company has asked to promote the interests of and develop the town to the benefit of everyone;

And whereas it is necessary to construct a sewer along South Main (or Muir) Street southwards from the corner of said street and Griffith Street, where the present sewer ends, as far as the said lands of the said company, and such sewer will require to be a little larger than it would ordinarily require to be, and will cost the town for such large sewer only about \$1,500.00 over and above what will be chargeable against the property fronting on said South Main (or Muir) Street, or benefited thereby as for an ordinary sewer;

And whereas it is necessary to raise on the credit of said town the said sum of \$1,500.00, and that sum is the debt intended to be created by this by-law.

And whereas the whole rateable property in said Town of Welland, according to the last revised assessment roll of said town, being for the year 1905, is \$707,943.00;

And whereas the existing debenture debt of the municipality of said town is \$96,729.28 (of which amount \$48,000.00 is for water-works, the net income for which is sufficient to pay all interest on the cost thereof) of which no part of the principal and interest is in arrear;

And whereas it will require the sum of \$194.25 to be raised annually by special rate levied on all the property of the said town for a period of ten years, the currency of the debentures to be issued under and by virtue of this by-law;

Therefore the municipal council of the corporation of the Town of Welland enacts as follows:

1. The lands of the Plymouth Cordage Company, situated in the Town of Welland, and being composed of block "U" and lots Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, as shown on A. Williams' plan, registered in the registry office for the County of Welland as number 33, and lots Nos. twenty-four to thirty-nine, inclusive, lots 73 to 90, inclusive, the rear parts of lots numbers ninety-three, ninety-four, ninety-five and ninety-six south of the southerly limit of lot number twenty-three produced westwards in a straight line to meet the southerly limit of lot number ninety-one, lots numbers ninety-seven to one hundred and thirty-six, inclusive, except lot one hundred and thirty, according to the surveyor, map or plan of that part of lot number twenty-six in the sixth concession of the Township of Crowland made by Henry T. Ross, Esq., P.L.S., for Adolphus Williams, registered in the registry office for the said County of Welland on 11th of February, 1878, as number 3, for said Town of Welland, and such streets now shown on said plans, or that may be hereafter opened, as may be hereafter closed, and conveyed by said corporation to said company, and all that portion of lots numbers 23, 24, 25 and 26 in the sixth concession of the Township of Crowland, in the County of Welland, contained within the following boundaries: Commencing at the point of intersection of the present south limit of the Town of Welland with the west limit of South Main Street, thence east in the said south limit twenty-one chains and fifty links, more or less, to the allowance for road between said lots number twenty-four and twenty-five, thence north in the west limit of said road allowance and present east limit of the Town of Welland twenty-five chains and eighty links, more or less, to the north side of the road allowance between the fifth and sixth concessions of Crowland, thence east in the north limit of said road allowance and present south limit of the Town of Welland nineteen chains and fifteen links, more or less, to the west limit of the right of way of the Welland division of the Grand Trunk railway, thence south two degrees east in the said west limit forty-eight chains and forty links, more or less, to the right of way of the Canada Southern railway, thence in a north-westerly direction in the northerly limit of the said right of way and crossing the allowance for road between said lots numbers twenty-four and twenty-five twenty-one chains and fifty links, more or less, to the west limit of said road allowance, thence north in the west limit of said road allowance eighty-seven links, more or less, to a point on line with the right of way of said railway in lot twenty-five, thence in a northwesterly direction in the north limit of said right of way and crossing South Main Street twenty-two chains and ten links, more or less, to the west limit thereof, and thence north fifty minutes east in the west limit of Main Street South thirteen chains and ten links, more or less, to the place of beginning, and such streets or roads contained within

within said boundaries as may be hereafter closed and conveyed by said corporation to said company, and all buildings and erections that may be erected or made thereon for or in connection with the manufacturing purposes of said company (except the buildings on and those parts of said lands that may be used for residential purposes) and the plant, appliances, machinery, tools and other personal property of the company on said lands, which may not now, but may, possibly, become liable to taxation, shall be assessed annually for the next twenty years from the final passing of this by-law at the sum of \$20,000.00 for all municipal purposes, except school taxes.

2. That the said Plymouth Cordage Company shall be supplied to its premises by this corporation, free of charge, such water as and when during the period of the said twenty years that the said company may require it, in connection with the said premises (not to exceed daily, however, five thousand gallons) and for fire protection.

3. That it shall be lawful for the mayor of the said corporation and he is hereby authorized to borrow the sum of \$1,500.00 in connection with the construction of a tile sewer along South Main (or Muir) Street southwards from the corner of said street and Griffith Street where the present sewer ends as far as the said lands of the Plymouth Cordage Company, and to sign and issue debentures of the said corporation for that amount in sums of not less than \$100.00, each payable at the end of each year of the term of ten years, from the first day of January, 1906, and to bear interest at the rate of five per cent. per annum, payable half-yearly on the first days of July and January in each year, at the place where the said debentures are made payable, namely, at the office of the treasurer of the said corporation, the said debentures to be sealed with the seal of this corporation, and to be signed by the mayor and treasurer.

4. That there shall be raised and levied annually by a special rate on all the rateable property in the said town the following sums for the payment of principal and interest, respectively, during the currency of the said debentures.

YEAR.	INTEREST.	PRINCIPAL.	TOTAL.
1st	\$75 00	\$119 25	\$194 25
2nd	69 02	125 25	194 25
3rd	62 77	131 48	194 25
4th	55 20	138 05	194 25
5th	49 29	144 96	194 25
6th	42 04	152 21	194 25
7th	34 44	159 81	194 25
8th	26 44	167 81	194 25
9th	18 06	176 19	194 25
10th	9 24	185 01	194 25
	442 50	\$1,500 00	\$1,942 50

5. That this by-law shall take effect on, from and after the final passing of this by-law.

6. The votes of the electors of the said Town of Welland shall be taken on this by-law at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon, Friday, the 11th day of August, A.D. 1905, by the following persons as deputy returning officers, and at the following places:

Ward one, town hall, by Geo. Wells.

Ward two, George Ellsworth's shop, Hellem's Avenue, by Jno. McCaw.

Ward three, Swartz's shop, North Main Street, by W. F. Swartz.

Ward four, Beatty's paint shop, North Main Street, by L. V. Garner.



7. That on Thursday, the 10th day of August, 1905, the mayor shall attend at the council chamber, in the town hall, in the said Town of Welland, at eleven o'clock in the forenoon, and appoint in writing, signed by him, one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this bylaw, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, and two persons to attend at the final summing up of votes by the clerk of the municipality on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law.

8. That the clerk of the municipality shall attend at the said town hall at the hour of twelve o'clock, noon, on Saturday, the 12th day of August, A.D. 1905, to sum up the number of votes given for and against this by-law.

Read a third time and passed in council this 14th day of August, A.D. 1905.

HENRY W. BOYD,  
Clerk.

(Seal.)

GEORGE T. SUTHERLAND,  
Mayor.

## CHAPTER 104.

## An Act respecting the Police Village of West Lorne.

*Assented to 27th April, 1906.*

## Preamble

WHEREAS the Board of Police Trustees of the Police Village of West Lorne has by petition represented that certain permanent improvements in the nature of granolithic or cement sidewalks as set out in By-laws Numbers 9, 10 and 11 in Schedule "A" hereto were constructed as local improvements on petitions under section 664 and following sections of *The Consolidated Municipal Act, 1903*, on the leading and principal business streets in the said Police Village to be paid for as follows: 40 per cent. of the cost thereof by special frontage rates charged against the property abutting on the said improvements and the balance, 60 per cent., by the Police Village at large as provided for in section 678 of the said Act; and whereas the said Board has by the said petition shown that it is questionable, so far as the works mentioned in said By-law No. 11 are concerned, whether they have any authority to issue debentures to pay for the same notwithstanding the amendments to section 752 of the said Act made by sections 44 and 45 of *The Municipal Amendment Act, 1905*, on account of said works having been constructed prior to the incorporation of the said Board, and further, whether they have any actual right to levy rates or make assessments for payment of the cost of any of the said works; and whereas the said Board also show by said petition on account of its having no power to collect any taxes, levies or assessments that it will be impossible for it to sell its debentures to be issued to raise money to pay for such works unless such debentures are guaranteed by the Corporation of the Township of Aldborough and on application to the council of the said Township the said Corporation agreed to guarantee the same and passed its By-law No. 892 as set out in Schedule "A" hereto, but only on condition that the said by-laws of the said Board and the by-law of the said township and the assessments and levys therein

49a s. were

were validated and confirmed by Act of Parliament as in said by-law appears; and whereas the said Board has further represented by the said petition that the debentures to be issued under the said by-laws can be more advantageously, readily and profitably disposed of by consolidating the same and have provided therefor by By-law No. 12 set out in Schedule "A" and by confirming all the said by-laws and have by their petition prayed that an Act may be passed whereby the said by-laws and the levies, assessments and debentures therein provided for may be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws Numbers 9, 10, 11 and 12 of the Board of Police Trustees of the Police Village of West Lorne and By-law No. 892 of the Corporation of the Township of Aldborough set out in Schedule "A" hereto, together with all debentures to be issued thereunder and all the levies and assessments therein made for payment thereof are confirmed and declared to be legal, valid and binding and it is hereby declared that the making of such levies and assessments was and is within the power of the said Board.

By-laws Nos. 9, 10, 11 and 12 of Police Village of West Lorne, and By-law No. 892 of Township of Aldborough confirmed.

2. The lands abutting on the said several works and sidewalks as set out in the said by-laws of the said Board, numbers 9, 10 and 11, are charged with the several rates and assessments set out in the said by-laws and schedules thereto to be levied and collected as other municipal taxes.

What Lands charged with rates.

3. Where the words "collector" and "collector's roll" appear in the said by-laws the same shall mean the "collector" and "collector's roll" of the Corporation of the Township of Aldborough until such time as the said Police Village may become incorporated as a separate municipality in which case such words shall mean the "collector" and "Collector's roll" of such separate municipality.

Meaning of "Collector" and "Collector's Roll."

4. In case the said Police Village be erected into a separate municipality it shall levy and collect the said rates and assessments and use all such monies so collected solely for the payment of the debentures to be issued under said by-laws, and for no other purpose soever, and should the Corporation of the Township of Aldborough be called on to pay any monies under their guarantee of the said debentures hereinafter mentioned they shall be entitled, forthwith after demand, to recover the same against

Collection of rates and application of monies.

against such municipality with interest at the legal rate from the date of such demand in any court of competent jurisdiction.

Guarantee of  
debentures by  
Township of  
Aldborough.

5. The debentures to be issued under the said by-laws may be issued with or without interest coupons as the said Board of Police Trustees may decide and the Corporation of the Township of Aldborough shall guarantee the same which guarantee may be in words following: "Under the provisions of *The Consolidated Municipal Act, 1903*, Section 752 as amended by Sections 44 and 45 of *The Municipal Amendment Act, 1905*, and the provisions of (this Act referring to it) and in pursuance of By-law No. 892 of the Corporation of the Township of Aldborough, the said Corporation of the Township of Aldborough hereby guarantees the payment both of the principal and interest secured by this debenture according to the tenor thereof to the legal holder or holders of this debenture" or words to that effect, which guarantee may be printed across the face of said debentures and shall be signed by the Reeve and Clerk of the Corporation of the Township of Aldborough and sealed by the said clerk with the corporate seal of said Township.

Irregularity in  
form not to  
invalidate.

6. No irregularity in the form of the said debentures authorized to be issued under this Act or the guarantee thereof by the Township of Aldborough, or of the by-laws authorizing the same or in the execution of such debentures or guarantee shall render the same invalid or illegal.

#### SCHEDULE "A."

##### BY-LAW No. 892.

To authorize the guaranteeing of debentures to be issued by the Board of Police Trustees of the Police Village of West Lorne, for local improvements.

Whereas by section 752 of *The Consolidated Municipal Act, 1903*, the Board of Police Trustees, after incorporation have power to pass By-laws for the construction of improvements and services to be paid for by local rates as mentioned in section 664 and following sections of the said Act, and by the provisions of the *Municipal Amendment Act of 1905* the said Board shall possess all the powers and perform all the duties appertaining to the council of an incorporated village;

And whereas by the said *Municipal Amendment Act of 1905* said section 752 of the said Act is further amended by providing that the debentures to be issued for any such improvement shall be issued by the Board of Police Trustees therein provided, and the council of the township in which a police village is situate may pass a By-law or By-laws guaranteeing the payment of any debentures so issued therefor;

And whereas it is further provided by the said *Municipal Amendment Act of 1905* that the Board of Police Trustees shall have power to pass By-laws authorizing the issue of debentures for the payment of the cost of construction of any of the works, services or improvements mentioned in section 664 and following sections of the said *The Consolidated Municipal Act, 1903*, made, supplied or performed within



within the limits of the police village which may have been incurred at any time before the passing of the said Act of 1905, and which may at the date of the incorporation of such Board of Police Trustees of the police village remain unpaid;

And whereas the Board of Police Trustees of the Police Village of West Lorne within the Township of Aldborough have, under the provisions of said section 664 of *The Municipal Act, 1903*, constructed the following works and improvements namely, cement sidewalk.

(a) On the east side of Graham street, from the south side of Jane street to the south side of Walker street, at a total cost of \$593.30, payable as follows: \$237.32 by a special rate to be levied by a frontage tax on the property abutting on the said work and \$355.98 by the village at large;

(b) On the north side of Main street, from the west side of Graham street to the east limit of P. E. Skinner's farm, at a total cost of \$1,045.07, payable as follows: \$418.03 by a special rate to be levied by a frontage tax on the property abutting on the said work, and \$627.04 by the village at large;

And whereas at the time the said Board of Police Trustees were incorporated certain works and improvements, to wit: A cement sidewalk; had been constructed in the said village on the south side of Main street, from eighty feet west from the west limit of village lot 5, Block I, plan 167, to the west limit of Wood street, and on the east and west sides of Graham street from the south limit of Main street to 264 feet south from the south limit of Elm street, at a total cost of \$2,088.50, payable as follows: \$835.40 by a special rate to be levied by a frontage rate or tax on the property abutting on the said work, and \$1,253.10 by the village at large;

And whereas the Board of Police Trustees of the Police Village of West Lorne intend to issue debentures payable in ten years from May 1st, 1906, with interest at five per cent. per annum, so that the total amount payable for principal and interest in each year shall be equal, and have requested the municipal corporation of the Township of Aldborough to guarantee the same.

The corporation of the Township of Aldborough enacts as follows:

1. That the Township of Aldborough guarantee the debentures of the Board of Police Trustees of the Police Village of West Lorne to be issued in payment of the said works and improvements to the extent and amount in all of \$3,726.87, the cost of the said works, and whether the same be issued in one series for all of the said works or in three series, one for each of the said works.

2. That the reeve and clerk be and they are hereby directed to sign a guarantee on the face of each debenture guaranteeing the due payment thereof in the name of and for the said corporation of the Township of Aldborough, and the clerk is hereby directed to affix the seal of the corporation thereto.

3. Provided that this By-law or any thing herein contained shall not be effective, operative or binding on the municipal corporation of the Township of Aldborough until such time as the By-laws of the Board of Police Trustees of the Police Village of West Lorne to be passed for the purposes hereinbefore in part recited, and the debentures to be issued thereunder, and the assessments thereunder and this By-law shall have been ratified, approved and validated by the Legislature of the Province of Ontario, at the next session thereof, upon application for that purpose by the said Board of Police Trustees.

Read a first, second and third times, and finally passed this 15th day of December, A. D. 1905.

(Seal).

(Sgd.) W. H. McLEAN,

Reeve.

(Sgd.) E. A. HUGILL,

Clerk.

By-law

## BY-LAW No. 9.

To provide for borrowing money by the issue of Debentures secured partly by local special rates and partly by a special rate on the rateable property in the Police Village of West Lorne, for the construction of a Cement Sidewalk on the East side of Graham Street from the South limit of Jane Street to the South limit of Walker Street in the Police Village of West Lorne.

Passed, December 29th, 1905.

Whereas Joseph Wiley and others have petitioned for the construction of a cement sidewalk on the east side of Graham street, from the south limit of Jane street to the south limit of Walker street, in the Police Village of West Lorne, 40 per cent. of the cost thereof to be secured by local special rates and the balance of 60 per cent. by the police village at large, under the provisions of section 678 of *The Consolidated Municipal Act, 1903*.

And whereas, in the opinion of the Board of Police Trustees of the Police Village of West Lorne, it having become desirable and necessary to construct a cement sidewalk as aforesaid on the east side of Graham street between the south limit of Jane street to the south limit of Walker street, as a local improvement, the said board unanimously resolved to construct the same, and to assess and levy 40 per cent. of the cost of the work upon the real property fronting or butting upon the east side of Graham street aforesaid, within the limits aforesaid, pursuant to the provisions of the statute in that behalf, the balance being paid by the said village at large;

And whereas it has been ascertained and determined that the real property comprised within the following limits, that is to say: On the east side of Graham street from the south limit of Jane street, to the south limit of Walker street, or a total of 1,122 feet more or less of assessable real property on the east side of Graham street, aforesaid, will be immediately, directly, equally and specially benefited by the construction of the said cement sidewalk, and that the said petitioners are two-thirds in number of the owners and represent one-half in value of the real property to be directly benefited thereby;

And whereas the said cement sidewalk has been constructed and the total cost thereof is the sum of \$593.30, of which said sum \$355.98, or sixty per cent. is the amount that is to be paid by the police village at large, and the sum of \$237.32, or forty per cent., is to be defrayed by the ratepayers interested; and which sum of \$593.30 is to be defrayed, by the ratepayers interested, and the said police village in the proportions set out in the schedule hereunto annexed and hereby incorporated herewith, and which said sum of \$593.30 is the amount of the debt to be created by this By-law;

And whereas the said Board of the Police Trustees has resolved that the said sum of \$593.30 shall be payable in annual instalments within ten years from the 1st day of May, 1906, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period;

And whereas it will require the sum of \$76.87 to be raised annually for a period of ten years, the currency of the debentures to be issued under and by virtue of this By-law, for payment of the said debt and interest, of which sum \$30.77 is to be raised by special rates on the said property to be benefited thereby, and \$46.10 by the police village at large;

And whereas there are 1,122 feet of frontage of the said assessable real property on the east side of Graham street within the limits

limits aforesaid according to the said description, immediately, directly, equally and specially benefited by the said cement sidewalk, upon which it will be required to charge an annual special rate per foot sufficient to pay the sum of \$30.77, during the said period of ten years, to pay forty per cent. of the several instalments of principal and interest on the said debt, as they respectively become due and payable within ten years, according to law, which said debt is as to said forty per cent. thereof, created on the security of the special rates or sums settled by this By-law;

And whereas the total assessed value of the said real property is the sum of \$3670;

And whereas it is necessary to raise the sum of \$46.10 during the said period of ten years, to pay sixty per cent. of the several instalments of principal and interest on the said debt, as they respectively become due and payable within ten years, according to law, on the assessed rateable property of the said police village, and it will be required to charge as against the said rateable property liable therefor the sum of \$46.10 aforesaid, the annual special rate or sum as particularly set out in said schedule, for paying the proportion of the said principal debt of \$593.30 and interest thereon at five per cent. per annum for a period of ten years during the currency of the debentures to be issued thereunder, and which said debt is created on the security of the special rates or sums settled by this By-law;

And whereas the total assessed value of the real property in the Police Village of West Lorne, inclusive of said property specially assessed as above in the preceding paragraphs, is \$108,310.00, and the said village has no debenture debt whatever;

And whereas the local improvement system as set out in *The Consolidated Municipal Act, 1903*, in respect of sidewalks or streets, has not been adopted by the Board of the Police Trustees of the Police Village of West Lorne;

And whereas it is expedient to raise the said sum of \$593.30, by debentures of the Board of Trustees of the Police Village of West Lorne, to defray the expense of the said work payable both by local special rates and by the police village at large;

Therefore the Board of Police Trustees of the Police Village of West Lorne enacts as follows:

1. That during ten years, the currency of the debentures to be issued under the authority of this By-law, the sum of \$76.87, shall be raised and levied annually for the payment of the principal and interest on the said sum of \$593.30, and that the special rate or sum set out in said schedule is hereby imposed on the real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the sum of \$30.77, or forty per cent. of the said total annual payment of \$76.87, and that during such ten years a special rate is also hereby imposed on all the other rateable property in the said police village, liable therefor, over and above all other rates and taxes, which special rate shall be sufficient in each year to produce the sum of \$46.10, or sixty per cent. of the said total annual payment of \$76.87, and said rates shall be annually inserted on the collector's roll in each year for the next succeeding ten years, and shall be payable to and collected by him in the same way as other rates on the said roll.

2. That, during the period of ten years, commencing from the first day of January, A.D. 1906, the said above described real property shall be exempt from forty per cent. of all general rates or assessments for cement sidewalks, save and except the cost of similar works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works and improvements opposite real property which is exempt from such special assessment.



3. That the sum of \$593.30 be raised by loan by this board on the security of the special rates hereby imposed; and that debentures amounting to the sum of \$593.30 be issued by the said board therefor, under their corporate seal which shall be signed by the chairman and secretary of the board.

4. That the said debentures shall be made payable in annual instalments within ten years from the date of the issue of the same, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year during the said period of ten years shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

5. That the said debentures shall bear interest at the rate of five per cent. per annum from the date of the issue thereof, which said interest shall be payable yearly on the first day of May in each year.

6. That the debentures may both as to principal and interest, be payable at any branch of the Merchants Bank of Canada, in this Province, and that the said sum of \$593.30 to be raised thereon be paid out and expended in paying off and discharging the cost of said work or any temporary loan heretofore obtained for the construction of said cement sidewalk and material purchased and work and expense paid for the said construction, and in no other way and for no other purpose whatever.

7. If at any time the owners of the real property hereinbefore described, or any part thereof, shall desire to commute the assessment imposed by this By-law, by the payment of his, her or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she or they may commute by the payment of the amount set out as the "total cost" in the attached schedule opposite his, her or their property on East Graham street, aforesaid, at any time during the first year after the passing of this By-law, or in any subsequent year by the payment of a similar sum reduced by one-tenth thereof for each year during which the said annual special rates shall have been actually paid.

8. All moneys arising out of the said annual special rates, and all moneys received in commutation thereof under the preceding section of this By-law shall be applied by the treasurer from time to time in paying off and discharging the said debt and interest and in no other way and for not other purpose whatever.

9. The amount of debentures authorized to be issued under this By-law is subject to consolidation by including the same in a collective or cumulative By-law to be hereafter passed consolidating the same with other amounts authorized or to be authorized by other local improvement By-laws and under which consolidating By-law the required debentures to provide for the amounts to be raised under this and said other individual By-laws shall be issued in a consecutive issue and shall in said consolidating By-law be more particularly enacted in that behalf.

10. This By-law shall come into operation on the 29th day of December, 1905.

THE BOARD OF POLICE TRUSTEES OF THE POLICE VILLAGE OF  
WEST LORNE.

(Seal).

(Sgd.) P. E. SKINNER,  
Chairman.

(Sgd.) W. A. BECKER,  
Secretary.

Schedule



Schedule referred to and incorporated with By-law No. 9. Work, east of Graham street from south side of Jane street to south side of Walker street.

No.	Assessed owner.	Lot.	Block.	Plan.	Frontage in feet.	Total cost.	Yearly rate.
						\$ c.	\$ c.
1	Charles Bainard .....	1 and 2	M	50	132	27 92	3 62
2	Emma Ripley .....	3	M	50	66	13 96	1 81
3	Eliza J. Shippey .....	4	M	50	66	13 96	1 81
4	Dugald McPherson .....	1 and 2	O	68	132	27 92	3 62
5	Elizabeth Alton .....	3	O	68	66	13 96	1 81
6	Peter Govier .....	4	O	68	66	13 96	1 81
7	Grace Cole .....	1 and 2	S	103	132	27 92	3 62
8	Presbyterian Church .....	3 and 4	S	103	132	27 92	3 62
9	Wm. Eden .....	1 and 2	T	103	132	27 92	3 62
10	Joseph Wiley .....	3	T	103	66	13 96	1 81
11	Eliza Taylor .....	4	T	103	66	13 96	1 81
12	J. P. McMillan .....	5	T	103	66	13 96	1 81
Total frontage					1,122		
Total special assessments of 40% .....						237 32	30 77
13	Police Village of West Lorne generally 60% .....					355 98	46 10
Totals .....						593 30	76 87

All the above lands form part of Township Lot number 19, in the 8th Concession of Aldborough.

#### BY-LAW No. 10.

To provide for borrowing money by the issue of Debentures, secured partly by local special rates, and partly by a special rate on the rateable property in the Police Village of West Lorne, for the construction of a cement sidewalk on the North side of Main street, from the West limit of Graham street, to the East limit of P. E. Skinner's Farm, in the Police Village of West Lorne.

Passed, December 29th, 1905.

Whereas Samuel Carson and others have petitioned for the construction of a cement sidewalk on the north side of Main street, from the west limit of Graham street to the east limit of P. E. Skinner's farm, in the Police Village of West Lorne, forty per cent. of the cost thereof to be secured by local special rates and the balance of sixty per cent. by the police village at large, under the provisions of section 678 of *The Consolidated Municipal Act, 1903*.

And whereas, in the opinion of the Board of the Police Trustees of the Police Village of West Lorne, it having become desirable and necessary to construct a cement sidewalk, as aforesaid on the north side of Main street, between the west limit of Graham street to the east limit of P. E. Skinner's farm, as a local improvement, the said board unanimously resolved to construct the same, and to assess and levy forty per cent. of the cost of the work upon the real property fronting or abutting upon the north side of Main street aforesaid, within the limits aforesaid, pursuant to the provisions of the statute in that behalf, the balance being paid by the said village at large;

And

And whereas it has been ascertained and determined that the real property comprised within the following limits, that is to say: On the north side of Main street, from the west limit of Graham street to the east limit of P. E. Skinner's farm, or a total of 2 119½ feet more or less of assessable real property on the north side of Main street aforesaid, will be immediately, directly, equally and specially benefited by the construction of the said cement sidewalk, and that the said petitioners are two-thirds in number of the owners and represent one-half in value of the real property to be directly benefited thereby;

And whereas the said cement sidewalk has been constructed and the total cost thereof is the sum of \$1,045.07, of which said sum \$627.04 or sixty per cent. is the amount that is to be paid by the police village at large, and the sum of \$418.63 or forty per cent. is to be defrayed by the ratepayers interested; and which said sum of \$1,045.07 is to be defrayed, by the ratepayers interested and the said police village, in the proportions set out in schedule hereunto annexed and hereby incorporated herewith, and which said sum of \$1,045.07 is the amount of the debt to be created by this By-law;

And whereas the said Board of Police Trustees has resolved that the said sum of \$1,045.07 shall be payable in annual instalments within ten years from the first day of May, 1906, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period;

And whereas it will require the sum of \$135.24 to be raised annually for a period of ten years, the currency of the debentures to be issued under and by virtue of this By-law, for payment of the said debt and interest, of which sum \$54.03 is to be raised by special rates on the said property to be benefited thereby and \$81.21 by the police village at large;

And whereas there are 2,119½ feet of frontage of the said assessable real property on the north side of Main street, within the limits aforesaid, according to the said description, immediately, directly, equally and specially benefited by the said cement sidewalk, upon which it will be required to charge an annual special rate per foot, sufficient to pay the sum of \$54.03, during the said period of ten years to pay forty per cent. of the several instalments of principal and interest on the said debt, as they respectively become due and payable within ten years according to law, which said debt is as to said forty per cent. thereof created on the security of the special frontage rates or sums settled by this By-law;

And whereas the total assessed value of the said real property is the sum of \$8,700.00;

And whereas it is necessary to raise the sum of \$81.21 during the said period of ten years, or sixty per cent. of the several instalments of principal and interest on the said debt as they respectively become due and payable within ten years according to law on the assessed rateable property of the said police village, and it will be required to charge as against the said rateable property liable therefor the sum of \$81.21 aforesaid, the annual special rate or sum as particularly set out in said schedule for paying the said proportion of the said principal debt of \$1,045.07 and interest thereon, at five per cent. per annum, for a period of ten years during the currency of the debentures to be issued hereunder, and which said debt is created on the security of the special rates or sums settled by this By-law;

And whereas the total assessed value of the real property in the Police Village of West Lorne, inclusive of said property specially assessed as above in the preceding paragraphs is \$108,310.00, and  
the

the said village has a debenture debt of \$593.30 incurred for local improvements, and no further debenture indebtedness whatever;

And whereas the local improvement system as set out in *The Consolidated Municipal Act, 1903*, in respect of sidewalks or streets, has not been adopted by the Board of Police Trustees of the Police Village of West Lorne;

And whereas it is expedient to raise the said sum of \$1,045.07, by debentures of the Board of Trustees of the Police Village of West Lorne to defray the expense of the said work both by local special rates and by the police village at large;

Therefore the Board of Police Trustees of the Police Village of West Lorne, enacts as follows:

1. That during ten years, the currency of the debentures to be issued under the authority of this By-law, the sum of \$135.24 shall be raised and levied annually for the payment of the principal and interest, on the said sum of \$1,045.07, and that the special rate or sum set out in said schedule is hereby imposed on the real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the sum of \$54.03, or forty per cent. of the said total annual payment of \$135.24, and that during such ten years a special rate is also hereby imposed on all the other rateable property in the said Police Village of West Lorne, liable therefor over and above all other rates and taxes, which special rate shall be sufficient in each year to produce the sum of \$81.21, or sixty per cent of the said total annual payment of \$135.24, and said rates shall be annually inserted in the collector's roll in each year for the next succeeding ten years, and shall be payable to and collected by him in the same way as other rates on the said roll.

2. That during the period of ten years, commencing from the first day of January, A. D. 1906, the said above described real property shall be exempt from forty per cent. of all general rates or assessments for cement sidewalks, save and except the cost of similar works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works and improvements opposite real property which is exempt from such special assessment.

3. That the sum of \$1,045.07 be raised by loan by this Board on the security of the special rates hereby imposed, and said debentures amounting to the sum of \$1,045.07 be issued by the said Board therefor, under their corporate seal, which shall be signed by the chairman and secretary of the Board.

4. That the said debentures shall be made payable in annual instalments within ten years from the date of the issue of the same, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year during the said period of ten years shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

5. That the said debenture shall bear interest at the rate of five per cent. per annum from the date of the issue thereof, which said interest shall be payable yearly on the first day of May in each year.

6. That the debentures may, both as to principal and interest be payable at any branch of the Merchants Bank of Canada in this Province, and may be expressed in sterling money or any other currency, and that the said sum of \$1,045.07 to be raised thereon be paid out and expended in paying off and discharging the cost of said work or any temporary loan or advance heretofore obtained for the construction of said cement sidewalk, and in no other way and for no other purpose whatever.

7. If at any time the owners of the real property hereinbefore described, or any part thereof shall desire to commute the assessment imposed by this By-law by the payment of his, her or their proportionate shares of the cost thereof, as a principal sum in lieu thereof, he, she or they may commute by the payment of the amount set out as the 'total cost' in the annexed schedule opposite his, her or their property on the north side of Main street aforesaid, at any time during the first year after the passing of this By-law, or in any subsequent year by the payment of a similar sum reduced by one-tenth thereof for each year during which the said annual special rates shall have been actually paid.

8. All moneys arising out of the said annual special rates, and all moneys received in commutation thereof under the preceding section of this By-law shall be applied by the treasurer from time to time in paying off and discharging the said debt and interest, and in no other way, and for no other purpose whatever.

9. The amount of debentures authorized to be issued under this By-law is subject to consolidation by including the same in a collective or cumulative Bylaw to be hereafter passed consolidating the same with other amounts authorized by other local improvement By-laws, and under which consolidating By-law the required debentures to provide for the amounts to be raised under this and said other individual By-laws shall be issued in a consecutive issue as shall in said consolidating By-law be more particularly enacted in that behalf.

10. That this By-law shall come into force from and after the day of the final passing thereof.

Read a first, second and third time, and finally passed this 29th day of December, A. D. 1905.

P. E. SKINNER,  
Chairman.

W. A. BECKER,  
Secretary.

(Seal of the Board of Police Trustees of the  
Police Village of West Lorne).



Schedule referred to and Incorporated with By-law No. 10.—Work north on Main Street from west limit of Graham Street to east limit of P. E. Skinner's Farm.

No.	Assesed owner.	Lot.	Block.	Plan.	Conces- sion.	Front- age in feet.	Total cost.	Yearly rate.
1	Elizabeth Lindenman	1	B	75	...	132	26 04	3 38
2	Andrew Stribe, Benjamin Partridge	5 (east 10 feet)	B	75	...	10	1 97	26
3	Harriett Lemon	6 and west 56 feet 5	B	75	...	122	24 07	3 12
4	Duncan Gillies	7 and 8	B	75	...	132	26 04	3 38
5	Daniel Cook	9	B	75	...	66	13 02	1 69
6	Augustus Thomas	1	A	75	...	66	13 02	1 69
7	Walter Ripley	2	A	75	...	66	13 02	1 69
8	Samuel Carson	3	A	75	...	66	13 02	1 69
9	Duncan Munn	4	A	75	...	66	13 02	1 69
10	Dugald Turner	5	A	75	...	66	13 02	1 69
11	John Campbell	6	A	75	...	66	13 02	1 69
12	English Church	162		75	...	66	13 02	1 69
13	John R. Skinner	161 (east 60 feet)		75	...	60	11 84	1 53
14	Wm. Doyle	160 and west 6 feet lot 161		75	...	72	14 20	1 85
15	Duncan McPherson	156, 157, 158 and 159		75	...	264	52 08	6 76
16	J. W. Trigger	East 186½ feet of Trigger Block	Trigger Block.	75	...	186½	36 76	4 56
17	Nancy Campbell, Sidney Main	66 feet immediately west of No. 16 here.	"	75	...	66	13 02	1 69
18	W. H. Lindenman	66 feet immediately west of No. 17 above	"	75	...	66	13 02	1 69
19	Thomas Clark	West 166½ feet Trigger Block	"	75	...	166½	32 83	4 25
20	Joseph Lemon	East 182½ feet of Township lot 17, fronting Main Street and immediately west Trigger Block			8	182½	35 96	4 66
21	John Hauser	132 feet fronting on Main Street and immediately west of parcel 20 above, part of Township lot 17			8	132	26 04	3 28
22	Total special assessment of 40%		Total Frontage		2,119½			
	Police Village of West Lorne generally 60%						418 03	54 03
							627 04	81 21
							1,045 07	135 24

NOTE. The block referred to in this schedule as "Trigger" or "Trigger Block" is shown on plan as "Property of Mr. Trigger," and all the land described in above under numbers 1 to 19 inclusive are part of lot number 18 in the 8th concession of the township of Aldborough.

## BY-LAW No. 11.

To provide for borrowing money by the issue of debentures, secured partly by local special rates and partly by a special rate on the rateable property in the Police Village of West Lorne, for the construction of a cement sidewalk on the south side of Main street, from a point which is eighty feet westerly from the westerly limit of Village Lot No. 5, in Block I on plan 167, of the said Village of West Lorne, thence easterly along the said southerly side of Main street, to the westerly limit of Wood street; also on the westerly side of Graham street from the southerly limit of Main street to a point 264 feet southerly from the southerly limit of Elm street; also on the easterly side of Graham street from the southerly limit of Main street to the northerly limit of Chesnut street in the Police Village of West Lorne.

Passed December 29th, 1905.

Whereas W. H. Bole and others petitioned for the construction of a cement sidewalk at least four feet in width on the south side of Main street from a point which is eighty feet westerly from the westerly limit of village lot No. 5, in Block I on plan 167, of the said Village of West Lorne, thence easterly along the said southerly side of Main street to the westerly limit of Wood street; also on the westerly side of Graham street from the southerly limit of Main street to a point 264 feet southerly from the southerly limit of Elm street; also on the easterly side of Graham street from the southerly limit of Main street to the northerly limit of Chesnut street, in the Police Village of West Lorne, forty per cent. of the cost thereof to be secured by local special rates and the balance of sixty per cent. by the police village at large, under the provisions of section 678 of *The Consolidated Municipal Act, 1903*, on the supposition that the Police Trustees of the Police Village of West Lorne would be incorporated as a board under the provisions of section 751 of the said Act, by the county council of the County of Elgin, at the session thereof held in the month of June, 1904;

And whereas the said county council did not pass the By-law incorporating the said trustees as a board, as aforesaid, whereupon the said petition was presented to the municipal council of the Township of Aldborough, which constructed the sidewalk under the supervision of the said trustees and under the authority of By-law No. 865 of the said township;

And whereas the said municipal council of Aldborough by their By-law No. 877 repealed their said By-law No. 865, and the said county council of the County of Elgin, in the meantime at their session in February, of 1905, incorporated the said trustees as a board under the provisions of said section 751 of *The Consolidated Municipal Act, 1903*;

And whereas by sections 44 and 45 of *The Municipal Amendment Act, 1905*, section 752 of *The Consolidated Municipal Act, 1903*, was amended by giving the Board of Police Trustees in a police village the power to pass By-laws authorizing the issue of debentures for the payment of the cost of construction of any of the works mentioned in the local improvement sections of the said Act, being section 664 and following sections thereof, made within the limits of the police village which may have been incurred and remain unpaid at the date of the passing of such By-law;

And whereas the said works are still unpaid for and it is proposed by this Board to pass a By-law under the authority of the said *The Municipal Act, 1903*, as so amended, to issue debentures in order to pay for the same, and to assess and levy forty per cent. of the cost of the work upon the real property fronting or butting upon the south side of Main street, and the east and west side of

Graham

Graham street aforesaid, within the limits aforesaid, pursuant to the provisions of the statutes in that behalf hereinbefore mentioned, the balance being paid by the said village at large;

And whereas it has been ascertained and determined that the real property comprised within the following limits, that is to say: On the south side of Main street, in the said Village of West Lorne from a point which is eighty feet westerly from the westerly limit of village lot No. 5, in Block I on plan 167 of the said Village of West Lorne, thence easterly along the said southerly side of Main street to the westerly limit of Wood street; also on the westerly side of Graham street from the southerly limit of Main street to a point 264 feet southerly from the southerly limit of Elm street; also on the easterly side of Graham street from the southerly limit of Main street to the northerly limit of Chesnut street, or a total of 3,916 feet more or less of assessable real property on the south side of Main street, and the east and west sides of Graham street aforesaid, will be immediately, directly, equally and specially benefited by the construction of the said cement sidewalk, and that the said petitioners are two-thirds in number of the owners and represent one-half in value of the real property to be directly benefited thereby;

And whereas the said cement sidewalk has been constructed as aforesaid, and the total cost thereof is the sum of \$2,088.50, of which said sum \$1,253.10, or sixty per cent. is the amount that is to be paid by the police village at large, and the sum of \$835.40, or forty per cent. is to be defrayed by the ratepayers interested; and which said sum of \$2,088.50 is to be defrayed; by the ratepayers interested and the said police village; in the proportions set out in the schedules hereunto annexed and hereby incorporated herewith and which said sum of \$2,088.50 is the amount of the debt to be created by this By-law;

And whereas the said Board of Police Trustees has resolved that the said sum of \$2,088.50 shall be payable in annual instalments within ten years from the 1st day of May, 1906, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period;

And whereas it will require the sum of \$270.30 to be raised annually for a period of ten years, the currency of the debentures to be issued under and by virtue of this By-law, for payment of the said debt and interest, of which sum \$108.01 is to be raised by special rates on the said property to be benefited thereby, and \$162.29 by the police village at large;

And whereas there are 3,916 feet of frontage of the said assessable real property on the south side of Main street, and the east and west sides of Graham street, within the limits aforesaid, according to the said description, immediately, directly, equally and specially benefited by the said cement sidewalk, upon which it will be required to charge an annual special rate per foot, sufficient to pay the sum of \$108.01 during the said period of ten years, to pay forty per cent. of the several instalments of principal and interest on the said debt as they respectively become due and payable within ten years, according to law, which said debt is, as to said forty per cent. thereof, created on the security of the special frontage rates or sums settled by this By-law;

And whereas it is necessary to raise the sum of \$162.29 during the said period of ten years, or sixty per cent. of the several instalments of principal and interest on the said debt as they respectively become due and payable within ten years according to law, on the assessed rateable property of the said police village, and it will  
be

be required to charge as against the said rateable property liable therefor the sum of \$162.29 aforesaid, the annual special rate or sum as particularly set out in said schedule for paying the said proportion of the said principal debt of \$2,088.50 and interest thereon, at five per cent. per annum for a period of ten years, during the currency of the debentures to be issued hereunder, and which said debt is created on the security of the special rates or sums settled by this By-law;

And whereas the total assessed value of the said real property is the sum of \$27,375.00;

And whereas the total assessed value of the real property in the Police Village of West Lorne, inclusive of said property specially assessed as above in the preceding paragraph is \$108,310.00, and the said village has a debenture debt of \$1,638.37, incurred for local improvements and no further debenture indebtedness whatever;

And whereas the local improvement system as set out in *The Consolidated Municipal Act, 1903*, in respect of sidewalks or streets, has not been adopted by the Board of Police Trustees of the Police Village of West Lorne;

And whereas it is expedient to raise the said sum of \$2,088.50 by debentures of the Board of Trustees of the Police Village of West Lorne, to defray the expense of the said work, both by local special rates and by the police village at large;

Therefore the Board of Police Trustees of the Police Village of West Lorne, enacts as follows:

1. That during the ten years, the currency of the debentures to be issued under the authority of this By-law, the sum of \$270.30 shall be raised and levied annually for the payment of the principal and interest, on the said sum of \$2,088.50, and that the special rate or sum set out in said schedule is hereby imposed on the said real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient in each year to produce the sum of \$108.01, or forty per cent. of the said total annual payment of \$270.30, and that during such ten years a special rate is also hereby imposed on all the other rateable property in the said Police Village of West Lorne, liable therefor over and above all other rates and taxes, which special rate shall be sufficient in each year to produce the sum of \$162.29, or sixty per cent. of the said total annual payment of \$270.30, and said rates shall be annually inserted in the collector's roll in each year for the next succeeding ten years and shall be payable to and collected by him in the same way as other rates in the said roll.

2. That during the period of ten years commencing from the first day of January, 1906, the said above described real property shall be exempt from forty per cent. of all general rates or assessments for cement sidewalks save and except the cost of similar works and improvements at the intersection of streets and except such portion of the general rate as may be imposed to meet the cost of like works and improvements opposite real property, which is exempt from such special assessment.

3. That the sum of \$2,088.50 be raised by loan by this board on the security of the special rates hereby imposed, and that debentures amounting to the sum of \$2,088.50 be issued by the said board therefor under their corporate seal, which shall be signed by the chairman and secretary of the board.

4. The said debentures shall be payable in annual instalments within ten years from the date of the issue of the same, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year during the said period of ten years



years shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

5. That the said debentures shall bear interest at the rate of five per cent. per annum from the date of the issue thereof, which said interest shall be payable yearly on the first day of May in each year.

6. That the debentures may, both as to principal and interest, be payable at any branch of the Merchants Bank of Canada in this Province, and may be expressed in sterling money or any other currency, and that the said sum of \$2,088.50 to be raised thereon be paid out and expended in paying off and discharging the cost of said work or any temporary loan or advance heretofore obtained for the construction of said cement sidewalk, and in no other way and for no other purpose whatever.

7. If at any time the owners of the real property hereinbefore described, or any part thereof shall desire to commute the assessment imposed by this By-law by the payment of his, her or their proportionate shares of the cost thereof as a principal sum in lieu thereof, he, she or they may commute by the payment of the amount set out as the "total cost" in the annexed schedule opposite his, her or their property on the east or west side of Graham street, or the south of Main street aforesaid, at any time during the first year after the passing of this By-law, or in any subsequent year by the payment of a similar sum reduced by one-tenth thereof for each year during which the said annual special rates shall have been actually paid.

8. All moneys arising out of the said annual special rates, and all moneys received in commutation thereof under the preceding section of this By-law shall be applied by the treasurer from time to time in paying off and discharging the said debt and interest, and in no other way and for no other purpose, whatever.

9. The amount of debentures authorized to be issued under this By-law is subject to consolidation by including the same in a collective or cumulative By-law to hereafter passed consolidating the same with other amounts authorized by local improvement By-laws, and under which consolidating By-law the required debentures to provide for the amounts to be raised under this and said other individual By-laws shall be issued in a consecutive issue as shall in said consolidating By-law be more particularly enacted in that behalf.

10. That this By-law shall not come into force until validated by an Act of the Ontario Legislature.

Read a first, second and third time, and finally passed this 29th day of December, A. D. 1905.

(Seal).

(Sgd.) P. E. SKINNER,  
Chairman.  
(Sgd.) W. A. BECKER,  
Secretary.

Schedule referred to and incorporated with By-law No. 11.—Work South of Main Street and East and West sides of Graham Street South of Main Street.

No.	Assessed Owner.	Lot.	Block.	Plan.	Con- cession.	Frontage in feet.	Total cost.	Yearly Rate.
							\$ c	\$ c.
1	R. Blackwood.....	Part lot 18, 93 feet between lot 5, block 1, plan 167, and lot 113, plan 75.....			9	93	19 84	3 57
2	Malcolm McKillop.....	5.....	1	167		66	14 08	1 82
3	Wm. Clark.....	4.....	1	167		66	14 08	1 82
4	Nancy E. Skinner.....	3.....	1	167		66	14 08	1 82
5	Duncan Carmichael.....	1 and 2.....	1	167		132	28 16	3 64
6	Barbara Loller.....	37.....		72		66	14 08	1 82
7	W. A. Becker.....	38.....		72		66	14 08	1 82
8	E. R. Mogg.....	39.....		72		66	14 08	1 82
9	J. G. McKillop.....	40.....		72		66	14 08	1 82
10	Magdeline Grub.....	41.....		72		66	14 08	1 82
11	James Bole.....	42.....		72		66	14 08	1 82
12	Alex. Beaton.....	27 and 28.....		72		234	56 32	7 28
13	Duncan McKillop.....	29 and 30.....		72		132	28 16	3 64
14	John McCallum.....	43 and 44.....		72		132	28 16	3 64
15	John Millar.....	45.....		72		66	14 08	1 82
16	Disciple Church.....	46.....		72		66	14 08	1 82
17	E. R. Mogg.....	132 feet of township lot 18 immediately south of Elm street and abutting west side of Graham street.....						
18	D. D. Gillies.....	132 feet of township lot 18 immediately south of Mogg (No. 17 above) and abut- ing west side of Graham street.....			9	132	28 16	3 64
19	P. E. Skinner.....	16.....	1	155		132	28 16	3 64
20	Baptist Church.....	15 and 2.....	1	155	1	66	14 08	1 82
21	Andrew Stribe, Sr.....	1.....	1	155		132	28 16	3 64
22	John Henderson.....	22.....		107		66	14 08	1 82
23	W. W. Parker.....	21.....		107		66	14 08	1 82
24	Fanny McMurchy.....	20.....	1	107		66	14 08	1 82

Schedule referred to and incorporated with By-law No. 11.—Continued.

No.	Assessed Owner.	Lot.	Block.	Plan.	Con- cession.	Frontage in feet.	Total cost. \$ c.	Yearly Rate. \$ c.
25	Samuel Mogg	19	.....	107	.....	66	14 08	1 82
26	W. M. Brock	14	.....	107	.....	66	14 08	1 82
27	Andrew Stribe, Jr	13	.....	107	.....	66	14 08	1 82
28	John McDonald	South 44 feet lot 12	.....	107	.....	44	9 36	1 21
29	W. H. Bole	North 22 feet lot 12	.....	107	.....	22	4 68	67
30	John Morgan	11	.....	107	.....	231	48 28	6 37
31	John Ward	West 33 feet lot 18	.....	107	.....	33	7 04	91
32	Andrew Stribe, Sr	West 66 feet lot 18	.....	107	.....	66	14 08	1 82
33	Mary McMillan	66 feet frontage on South Main street im- mediately east of Argyle street, township lot 19	.....	.....	.....	.....	.....	.....
34	W. W. Chaeley	66 feet frontage on south Main street im- mediately east of Mary McMillan's town- ship lot 19	.....	.....	9	66	14 08	1 82
35	Trustees of School Section No. 6, Aldbrough	264 feet on South Main street immediately east of W. W. Chaeley's township lot 19	.....	.....	9	66	14 08	1 82
36	A. McKillop, Sons	122 feet on South Main street immediately east of school township lot 19	.....	.....	9	264	56 32	7 28
37	Sylvester Fitzpatrick	66 feet on South Main street immediately east of McKillop & Sons township lot 19	.....	.....	9	122	26 03	3 37
38	Roman Catholic Church	66 feet of township lot 19, fronting on Main street immediately west of lot 1, plan 66, 1 and 2	.....	66	9	66	14 08	1 82
39	Thomas O'Neil	3 and 4	.....	66	.....	198	42 24	5 46
40	John Schneckenberger	5	.....	66	.....	132	29 16	3 54
41	Fred Hodge	6 and 7	.....	66	.....	66	14 08	1 82
			.....	66	.....	137	29 27	3 79
		Total frontage	.....	.....	.....	3,916	835 40	108 01
42	Police village of West Lorne generally 60¢	Total special assessment of 40 ¢	.....	.....	.....	.....	1,253 10	162 29
		Total	.....	.....	.....	.....	2,088 50	270 30

NOTE. Parcels 33 to 37 inclusive cover all the unplanned part of the north part of township lot 19 in the 9th concession of Aldborough, between the east limit of Argyle street and a point 66 feet west of the northwest angle of lot 1, plan 66.

Parcels Nos. 1 to 18 inclusive from part of lot number 18 in the 9th concession of the Township of Aldborough, and Nos. 19 to 41 inclusive part of lot number 19 in the same concession.

#### BY-LAW No. 12.

To consolidate the several amounts authorized to be raised under By-laws Numbers 9, 10 and 11 of the Board of Police Trustees of the Police Village of West Lorne, respectively.

Passed the 29th day of December, 1905.

Whereas the Board of Police Trustees of the Police Village of West Lorne, on the 29th day of December, 1905, passed the several By-laws hereinafter mentioned to pay the costs of certain local improvements in the said By-laws respectively mentioned, that is to say:

By-law No. 9 .....	\$593 30
By-law No. 10 .....	1,045 07
By-law No. 11 .....	2,088 50
	<hr/>
	\$3,726 87

And whereas each of the said individual By-laws above named contained the following clause:

"The amount of debentures authorized to be issued under this By-law is subject to consolidation by including the same in a collective or cumulative By-law to be hereafter passed consolidating the same with other amounts authorized, or to be authorized by other local improvement By-laws and under which consolidating By-law the required debentures to provide for the amounts to be raised under this and said other individual By-laws shall be issued in a consecutive issue as shall in said consolidating By-law be more particularly enacted in that behalf."

And whereas it is deemed necessary and expedient to consolidate the said several amounts by the said By-laws authorized to be raised and to authorize the issue of debentures for the whole amount in one general consecutive issue, apportioning nevertheless the amount raised and crediting each service with the amount previously estimated and named for the same under the said individual By-laws passed in the first instance as aforesaid;

Therefore the Board of Police Trustees of the Police Village of West Lorne enacts as follows:

1. That the amount of \$593.30 authorized to be raised by said By-law No. 9; and that the amount of \$1,045 07 authorized to be raised by said By-law No. 10; and that the amount of \$2,088.50 authorized to be raised by said By-law No. 11, be and the same are hereby consolidated and constituted, for the purpose of issuing debentures to cover the costs of the said local improvements in the said individual By-laws mentioned, one debt of \$3,726.87.

2. That the said sum of \$3,726.87 be raised by loan by this board on the security of the special rates imposed by the several By-laws above named, and that debentures not exceeding the said sum of \$3,726.87 be issued by the board therefor, and it shall be lawful for the said board to raise by way of loan upon the security of such debentures and special rates aforesaid, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of the debentures to be issued hereunder



a sum, not exceeding in the whole the sum of \$3,726.87, as aforesaid, and to cause the same to be paid into the hands of the treasurer of the Township of Aldborough for the purpose and with the object aforesaid.

3. That it shall be lawful for the said board to cause to be issued in one general consecutive issue any number of debentures of a denomination not less than \$100 each, and not exceeding in the whole the sum of \$3,726.87, as in the preceding section mentioned, and that the said debentures shall be sealed with the seal of the said board and be signed by the chairman and secretary of this board.

4. That the amounts to be raised by the said debentures shall be applied as follows: \$593.30 to the said debt under the said By-law No. 9; \$1,045.07 to the said debt under By-law No. 10; \$2,088.50 to the said debt under By-law No. 11, and for no other purpose whatsoever.

5. That the said debentures shall bear interest from the first day of May, A. D. 1906, and shall be made payable in ten annual instalments with interest at the rate of five per cent. per annum, so that the said instalments shall be such that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of ten years, and that such debentures shall be payable at any branch of the Merchants Bank of Canada in this Province, on the first day of May in each year, and the said debentures and interest shall be payable annually as in the schedule hereto annexed, as particularly set forth.

6. That this By-law shall come into force from and after the day of the final passing thereof.

Read a first, second and third time and finally passed this 29th day of December, A. D. 1905.

(Sgd.) P. E. SKINNER,  
Chairman.  
(Sgd.) W. A. BECKER,  
Secretary.

#### SCHEDULE REFERRED TO IN ANNEXED BY-LAW No. 12.

Year.	Principal.	Interest.	Total.
1	\$296 31	\$186 34	\$482 65
2	311 12	171 53	482 65
3	326 67	155 98	482 65
4	343 01	139 64	482 65
5	360 16	122 49	482 65
6	378 16	104 49	482 65
7	397 07	85 58	482 65
8	416 93	65 72	482 65
9	437 78	44 87	482 65
10	459 66	22 99	482 65
	<hr/> \$3,726 87		

## CHAPTER 105.

An Act to confirm By-law number 1995 of the  
Township of York.*Assented to 27th April, 1906.*

Preamble.

WHEREAS the Boake Manufacturing Company, Limited, have by their petition represented that they have carried on business in the Township of York, in the County of York, as dealers in rough lumber and manufacturers of dressed lumber and builders' supplies since the year 1892; that in the year 1905, owing to the expropriation of a part of their lands by the Toronto and Niagara Power Company for a right of way, they were obliged to take down and remove their buildings, and notwithstanding having received an offer from another municipality of a loan by way of a bonus and of exemption from taxation for twenty years, they determined to carry on the business in the said Township of York, and applied to the Council of the said Township, asking that the assessment of their property and all the new buildings about to be erected by them for the purpose of their business on another site should be fixed at the sum of \$10,000 per annum for a period of twenty years; that the Council of the said Township in pursuance of the application, unanimously passed By-law No. 1,995 of the said township, fixing the assessment of the lands and property of the said Company at \$10,000 a year for a period of twenty years, as aforesaid; that the said Company carries on an extensive business, employing about fifty workmen and paying out in each year in salaries and wages a sum of \$20,000; that a majority of the workmen reside in the said Township of York, and the said Company has assisted them in building and erecting dwelling houses, none of which are included in the property the assessment of which is fixed by the said by-law; that the business carried on by the said company has been of considerable benefit to the said Township of York; and whereas there are doubts as to the power of the said Council to pass the said by-law without having first submitted the same to the electors, and for other reasons; and whereas the said Company has by its petition prayed that an Act may be passed to legalize and confirm

the

the said by-law; and whereas no opposition has been offered to the prayer of the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to section 2 hereof, By-law No. 1,995 of the Municipal Corporation of the Township of York, passed on the 3rd day of April, 1905, intituled "A by-law providing that the assessment of the lands and the property hereinafter described may be fixed at \$10,000 per annum for a period of twenty years," and set out in Schedule "A" hereto, is ratified and confirmed and declared to be legal, valid and binding on the said Corporation of the Township of York and on the ratepayers thereof, notwithstanding anything in any other Act to the contrary, and the assessment of the lands and property of the said Company as set out in the said by-law and the business of the said Company for all purposes, including school purposes, shall not in any year during the period of twenty years named in the by-law, exceed in all the sum of \$10,000, including assessment upon real property, business assessment or other assessment under *The Assessment Act* to which said company may be liable.

By-law No. 1995  
of the township  
of York con-  
firmed.

2. Notwithstanding anything contained in the said by-law, the lands and property of the said company shall be liable for local improvements rates and assessments as if the said by-law had not been passed.

Lands liable  
for local  
improvements

#### SCHEDULE A.

##### BY-LAW No. 1995.

A By-law providing that the assessment of the lands and property hereinafter described may be fixed at \$10,000 per annum for a period of twenty years.

Whereas the Boake Manufacturing Company, Limited, have, by their petition, represented that their said company are now seized of the lands and premises hereinafter described, and that a large sum of money has been and will be expended by the said company upon the said lands in erecting buildings thereon, and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name of "The Boake Manufacturing Company, Limited;"

And whereas the said company have, by their said petition, requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of ten thousand dollars each year for a period of twenty years, to be computed from the first day of January, A.D. 1905;

And whereas it appears expedient to accede to said request;

Be it, therefore, enacted by the municipal council of the corporation of the Township of York:

1. That all and singular those certain parcels or tracts of lands and premises owned by the said company, situate, lying and being in the Township of York, in the County of York, and Province of Ontario, containing by admeasurement about two and one-half acres, be the same more or less, and being parts of lots twenty-four and twenty-five in the second concession from the bay in the Township of York, more particularly described as follows: Commencing at the southeasterly angle of Dartnell and Bridgeman Avenues, thence northerly along the easterly limit of Dartnell Avenue two hundred and fifty eight feet, thence easterly parallel with the production of Bridgeman Avenue two hundred and twenty-five feet and six inches to the westerly limit of Tyndall Avenue, thence southerly along the westerly limit of Tyndall Avenue three hundred and sixty-six feet, thence westerly four hundred and sixteen feet eight inches to the place of beginning, together with all buildings, stock-in-trade, plant, machinery, fixtures and materials, now or hereafter thereon or therein, and all other personal and other assessable property of the company, for a period of twenty years, to be computed from the first day of January, A.D. 1905, shall be annually assessed for all purposes, en bloc, at the sum of ten thousand dollars, and no more, as a fixed assessment, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

In case any part or parts of said lands be used for the purpose of dwelling houses or for any purposes not connected with the business of the company, such part or parts, when and so long as used for such purposes, shall be assessable as if this by-law had not been passed, and, in the event of the destruction of said buildings or property, or any part thereof, so that the value of the same, with the said lands and other property, shall not be equal to the said sum of ten thousand dollars (\$10,000) the assessment shall be made while such value is under ten thousand dollars (\$10,000) as if this by-law had not been passed.

3. The assessor and other officers making such assessment are hereby authorized and required to so make their assessments and returns as to conform to the provisions of this by-law.

4. Applications shall be made, at the cost and expense of the said company, by the said company to the Legislature of the Province of Ontario to confirm this by-law, and to carry the provisions thereof into effect, and, if such application be made by the company, the municipal corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed April 3rd, 1905.

W. A. CLARK,  
Clerk.

(Seal)

GEO. SYME,  
Reeve.



## CHAPTER 106.

## An Act respecting The Brantford and Erie Railway Company.

*Assented to 14th May, 1906.*

**W**HEREAS The Brantford and Erie Railway Company Preamble. was incorporated by an Act of the Ontario Legislature passed in the 4th year of the reign of His Majesty King Edward VII, chaptered 75, with the powers therein set forth, and the said company was authorized to construct, maintain, operate and complete an iron or steel railway with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along the streets and highways within the municipalities therein set out subject to agreements to be made between the company and the respective municipalities; and whereas The Brantford and Erie Railway Company has by its petition prayed that the time for the commencement of the railway of the company be extended for two years and the completion thereof for five years from the passing of this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time limited by section 37 of the Act passed in the fourth year of the reign of His Majesty, King Edward VII., chaptered 75, for the commencement of the railway thereby authorized is extended for a period of two years from the passing of this Act, and if the construction of the said railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years from the passing of this Act, or if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted by the said Act of Incorporation and by this Act shall cease, and be null and void as respects so much of the railway as then remains uncompleted. Time for commencement and completion extended.

2. Notwithstanding anything contained in the said Act of Incorporation, all the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the said company and the railway to be constructed under this Act. Certain provisions of Ont. Ry. Act, 1906, to apply.

## CHAPTER 107.

## An Act to incorporate the Dunnville, Wellandport and Beamsville Electric Railway Company. :

*Assented to 14th May, 1906.*

Preamble.

**W**HEREAS James Alway Ross, of the unincorporated Village of Wellandport, in the County of Lincoln, Insurance Inspector; Francis Ramsey Lalor, of the Town of Dunnville, in the County of Haldimand, Manufacturer; James D. Bennett, of the Village of Beamsville, in the County of Lincoln, Gentleman; Stephen Delamere Lake, of the City of St. Catharines, in the said County of Lincoln, Railway Contractor; and George Arnold, of the Township of Pelham, in the County of Welland, Real Estate Agent, have, by their petition, prayed for an Act of Incorporation under the name of "The Dunnville, Wellandport and Beamsville Electric Railway Company," for the purpose of constructing and operating an electric railway from some point at or near the Village of Port Maitland, in the County of Haldimand, through the Township of Dunn, the Town of Dunnville, and the Townships of Moulton and Canboro, in the County of Haldimand; the Township of Wainfleet, in the County of Welland; and the Townships of Gainsborough and Clinton, in the County of Lincoln, to some point in or near the Village of Beamsville, in the County of Lincoln, and a branch from some point on the main line through the said Townships of Gainsborough, Clinton and Pelham, to some point at or near the Village of Fenwick, in the said Township of Pelham; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said James Alway Ross, Francis Ramsey Lalor, James D. Bennett, Stephen Delamere Lake, and George

Arnold,

Arnold, and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Dunnville, Wellandport and Beamsville Electric Railway Company."

2. The said company is hereby authorized and empowered to lay out, construct and operate by electricity a railway from some point at or near the Village of Port Maitland, in the County of Haldimand, passing through the Township of Dunn, the Town of Dunnville, and the Townships of Moulton and Canboro, in the County of Haldimand; the Township of Wainfleet, in the County of Welland; and the Townships of Gainsborough and Clinton, in the County of Lincoln, to some point in or near the Village of Beamsville, in the County of Lincoln, and a branch from some point on the main line through the said Townships of Gainsborough, Clinton and Pelham to some point at or near the Village of Fenwick, in the said Township of Pelham.

3. The said James Alway Ross, Francis Ramsey Lalor, James D. Bennett, Stephen Delamere Lake, and George Arnold shall be and are hereby constituted a board of provisional directors of the said company.

4. The head office of the said company shall be at the Town of Dunnville, in the County of Haldimand.

5. The capital stock of the said company shall be \$400,000. No one call thereon shall exceed ten per cent. on the shares subscribed.

6. The board of directors of the said company shall consist of not less than five and not more than nine persons.

7. The issue of bonds, debentures or other securities by the said company shall not exceed \$20,000 per mile of the railway.

8. All the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the said company and the railway to be constructed under this Act.

## CHAPTER 108.

## An Act respecting the Hamilton, Caledonia and Lake Erie Railway Company.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS by an Act passed at the second session held in the sixty-second year of Her late Majesty's reign, Chaptered 95, intituled *An Act to incorporate the Hamilton and Caledonia Railway Company*, the time for the commencement of the construction of the said railway was fixed at three years from the date of the passing of the said Act, which time has now elapsed; and whereas by an Act passed in the third year of His Majesty's reign, Chaptered 96, the name of the said company was changed to "The Hamilton, Caledonia and Lake Erie Railway Company," and section 19 of the Act incorporating the company was repealed and another section substituted therefor, and the time for the commencement of the construction of the said railway was extended for the period of two years from the passing of the Act; and whereas doubts have arisen as to whether the work done by way of commencing the said railway was work covered by the provisions of the said Acts and the company is desirous that such doubts should be removed and has by its petition prayed that the said Acts be revived and the time for the commencement of the railway of the company be extended for two years, and the completion thereof for five years, from the passing of this Act, and to increase its capital stock; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act of Incorporation,  
62 V., (2) c. 95,  
revived.

1. The Act passed at the second session held in the sixty-second year of Her late Majesty's reign, Chaptered 95, and intituled *An Act to incorporate the Hamilton and Caledonia Railway Company*, and the Act passed in the third year of His Majesty's reign, Chaptered 96, and intituled *An Act respecting the Hamilton and Caledonia Railway*



way Company, so far as is not inconsistent with the provisions of *The Ontario Railway Act, 1906*, are hereby revived and declared to be in force, and the said The Hamilton, Caledonia and Lake Erie Railway Company is declared to have been from the date of the passing of the first mentioned Act an existing corporation.

2. The railway shall be commenced within one year and completed to the extent of a through connection with the Village of Caledonia within two years, and completed to the extent of a through connection with the Town of Cayuga within three years, and to the extent of a through connection with the Town of Dunnville within four years, and finally completed within five years after the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within one year after the passing of this Act, and if such portions and through connections of the railway are not completed and put in operation within the respective periods in this section mentioned then the powers granted to the said company by the said Act of Incorporation, and by the said amending Act, and by this Act, shall cease, and be null and void as respects so much of the railway as then remains uncompleted.

Time for commencement and completion.

3. Section 9 of the Act of incorporation is hereby repealed and the following substituted therefor:

62 V., c. 95, s. 9, repealed

9. The capital stock of the company shall be \$600,000. No one cash thereon shall exceed ten per cent. on the shares subscribed.

Capital stock. Calls thereon.

4. The company is prohibited from delivering or supplying natural gas to any person, firm or corporation outside the Province of Ontario, or to any person, firm or corporation that supplies natural gas to any person, firm or corporation outside the Province of Ontario.

Not to supply natural gas outside of Province.

5. The company shall not amalgamate or combine with any other company or person, or sell, lease or transfer to any other company or person its natural gas supply.

Not to amalgamate with other natural gas companies.

6. The charge for natural gas shall always under substantially similar circumstances and conditions be the same to all persons, firms and corporations, and the Ontario Railway and Municipal Board may determine as questions of fact whether or not any charge is or has been under substantially similar circumstances and conditions, and whether there has in any case been unjust discrimination, and may by regulation declare what shall constitute substantially similar circumstances and conditions and unjust or unreasonable preferences.

Rates of charges to be under control of Railway and Municipal Board.

Consent of  
municipality  
for laying  
mains, &c.

7. Before laying any mains or pipes along any highway, the company shall obtain the consent of the council of the municipality having jurisdiction over the same.

Powers of  
expropriation  
limited.

Not to bore for  
oil on Railway  
lands.

8. Notwithstanding anything contained in either of the said Acts, the company shall not have power to expropriate any lands except for railway purposes, and as limited by *The Ontario Railway Act, 1906*, and the company shall not bore for oil or natural gas on any lands acquired by the company for railway purposes or for right of way.

Powers to be  
under R.S.O.,  
c. 200.

9. Notwithstanding anything contained in the Act of incorporation of the company, the company, so far as it is authorized to deal in natural gas, shall not have any greater powers than are given to companies incorporated under *The Act respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power*.

Crown may use  
right of way  
for the  
transmission  
of power to  
municipalities.

10. The Ontario Railway and Municipal Board, upon receiving instructions in that behalf from the Lieutenant-Governor in Council, and the officers, agents and servants of the Board, may at all times enter upon the right of way of the company, and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor in Council and the company.

Ontario Rail-  
way Act, 1906,  
to govern.

11. Wherever the provisions of the said Acts and of *The Ontario Railway Act, 1906*, relate to the same subject matter, the provisions of the said *The Ontario Railway Act, 1906*, shall prevail.

## CHAPTER 109.

## An Act to incorporate The Hamilton and Guelph Junction Railway Company.

*Assented to 14th May, 1906.*

**W**HEREAS Samuel Barker, William Vallance, Frank C. Bruce, Cyrus A. Birge, Alexander Turner, Robert C. Fearman, William A. Holton, James W. Lamoreaux, William J. Grant and Sanford Dennis Biggar, all of the City of Hamilton, in the County of Wentworth, have by their petition prayed for an Act of incorporation under the name of "The Hamilton and Guelph Junction Railway Company" for the purpose of constructing and operating a railway from a point in or near the City of Hamilton, in the County of Wentworth, and from thence through the Townships of Flamboro' West and Flamboro' East, in the said County of Wentworth, and the Township of Nassagaweya, in the County of Halton, to some point in or near Guelph Junction on the line of the Ontario and Quebec Railway, in the said Township of Nassagaweya; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Samuel Barker, William Vallance, Frank C. Bruce, Cyrus A. Birge, Alexander Turner, Robert C. Fearman, William A. Holton, James W. Lamoreaux, William J. Grant and Sanford Dennis Biggar, together with such persons as become shareholders in the company, are hereby constituted a body corporate and politic under the name of "The Hamilton and Guelph Junction Railway Company," hereinafter called "the company."

2. The persons named in section 1 of this Act are constituted provisional directors of the company.

Capital stock.  
Calls thereon.

3. The capital stock of the company shall be \$100,000. No on call thereon shall exceed ten per cent. on the shares subscribed.

Head office.

4. The head office of the company shall be in the City of Hamilton, in the Province of Ontario.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Monday in September in each year.

Number of directors.

6. The board of directors of the company shall consist of seven persons.

Location of line.

7. The company may lay out, and construct, and operate a railway from a point in or near the City of Hamilton, in the County of Wentworth, and from thence through the Townships of Flamboro' West and Flamboro' East, in the said County of Wentworth, and the Township of Nassagaweya, in the County of Halton, to some point in or near Guelph Junction, on the line of the Ontario and Quebec Railway, in the said Township of Nassagaweya.

Agreements with other companies.

8. The company may enter into agreements with the Canadian Pacific Railway Company for the sale, leasing or giving running rights over the company's tracks with the said Canadian Pacific Railway Company on such terms and conditions as are agreed upon by the directors, approved of by two-thirds vote at a special general meeting of the shareholders duly called for the purpose of considering it, and provided further that such agreement has also received the sanction of the Lieutenant-Governor in Council.

Bonds and debentures.

9. The company may issue bonds, debentures or other securities to the extent of thirty-five thousand dollars per mile of the railway

Provisions of Ont. Ry. Act, 1906, to apply.

10. Save as herein otherwise provided, all the provisions of *The Ontario Railway Act, 1906*, shall apply to the said company and the railway to be constructed under this Act.



## CHAPTER 110.

An Act respecting the Kingston, Gananoque and  
Perth Electric Railway Company.*Assented to 14th May, 1906.*

WHEREAS, the Kingston, Gananoque and Perth Electric Railway Company has by petition represented that the said company was incorporated as the Kingston and Gananoque Electric Railway Company by an Act passed in the 58th year of the reign of Her late Majesty, Queen Victoria, chaptered 104, and that by an Act passed in the 3rd year of His Majesty's reign, chaptered 101, the said above recited Act was revived and the time for the commencement and completion of the railway of the said company extended for the period of two years and five years respectively, from the time of the passing of the said renewing Act, and the name of the company was changed to the Kingston, Gananoque and Perth Electric Railway Company; and whereas the said company has been unable to commence the said railway within the said two years, and by their petition pray that the said time for the commencement and completion of said work be extended for two years and five years from the passing of this Act, and that the said recited Acts may be revived, and to extend the said railway northerly to the Village of Arnprior, in the County of Renfrew, and to authorize the use of steam or electricity or both as the motive power of the said railway, or any part thereof, and to change the name of the said company to "The Kingston, Gananoque and Perth Railway Company;" and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

58 V., c. 104,  
revived.

1. The Act passed in the 58th year of Her late Majesty's reign, chaptered 104, and intituled *An Act to incorporate the Kingston and Gananoque Electric Railway Company*, as amended by the Act passed in the 3rd year of His Majesty's reign, chaptered 101, so far as it is not inconsistent with the provision of *The Ontario Railway Act, 1906*, is hereby revived, and the said The Kingston and Gananoque Electric Railway Company is declared to be and to have been from the date of the passing of the said first mentioned Act an existing corporation, and the time for the commencement of the said railway is extended for two years and the completion thereof and of the extension thereof authorized by this Act for five years after the passing of this Act.

Extension of  
time for com-  
mencement  
and com-  
pletion.

Ten miles to be  
built in two  
years.

2. The company shall build at least ten miles of the said railway within two years from the passing of this Act, and in default thereof all the provisions of this Act shall become null and void.

58 V., c. 104,  
s. 2 amended.

3. Section 2 of the said Act passed in the 58th year of the reign of Her late Majesty, Queen Victoria, chaptered 104 as amended by section 2 of the Act passed in the 3rd year of His Majesty's reign chaptered 101 is amended, by inserting after the words "Village of Lanark" the words "and thence in a northerly direction through the Townships of Lanark and Pakenham, in the County of Lanark, and the Township of McNab, in the County of Renfrew, to the Village of Arnprior."

Operation by  
steam or  
electricity.

4. The railway of the said company may be operated by steam or electricity, or both steam and electricity, and shall be subject to the provisions of *The Ontario Railway Act, 1906*.

Name of  
company.

5. The name of the said company is changed and the corporate name thereof is declared to be "The Kingston, Gananoque and Perth Railway Company;" and the names of Joseph K. Kenny and Francis Pedley are substituted as provisional directors in the name and place of J. B. McArthur, deceased.

## CHAPTER 111.

An Act respecting The Kingston, Portsmouth and  
Cataraqui Electric Railway Company.*Assented to 14th May, 1906.*

**W**HEREAS the Kingston, Portsmouth and Cataraqui Electric Railway Company has become financially embarrassed and in order to continue the operation of its road has entered into the agreements hereinafter mentioned with the corporation of the City of Kingston and the corporation of the Village of Portsmouth and with the almost unanimous consent of those interested desires to readjust its capital stock, bonds, and indebtedness, as hereinafter provided, and has duly petitioned for the ratification of said agreements and power to make said readjustments; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement between the Kingston, Portsmouth and Cataraqui Electric Railway Company and the corporation of the City of Kingston which forms schedule "A" of this Act, and the agreement between the Kingston, Portsmouth and Cataraqui Electric Railway Company and the corporation of the Village of Portsmouth, which forms schedule "B" to this Act are hereby validated and confirmed, and the said parties shall be taken to have had power and authority to make the same at the time of the date thereof respectively. Provided that nothing in either of the said agreements contained, shall be held to exempt any part of the property of the said company from assessment and taxation for school purposes, but the property of the company shall be assessed and school taxes shall be payable thereon in the same manner and to the same extent as on any other property in the said city and village

Reduction of capital stock.

2. The capital stock of the company is hereby reduced from \$200,000 to \$50,000 preferred stock and \$40,000 common stock, such preference and common stock to be in shares of the par value of \$100 each.

Calling in of stock scrip and new issue of.

3. The directors of the company are hereby authorized and empowered to call in the present stock scrip and to issue to the holders thereof in lieu thereof stock scrip of the said common stock in the proportion of one dollar of new stock for every five dollars of the old, such new scrip to be issued as fully paid up.

Issue of preference stock.

4. The directors of the company are hereby authorized and empowered to issue such preferred stock as fully paid up to an amount equal to one quarter of the unsecured indebtedness of the company on the 5th of January, 1906, and to tender such preferred stock to the unsecured creditors of the company, who were such on the said date, in the proportion of one dollar of such stock, for every four dollars of indebtedness due on said date, which indebtedness shall not bear interest after said date, and the tender and delivery of such stock to such creditors in such proportion shall be a satisfaction and payment in full of all their claims against said company for said indebtedness.

Rights of holders of preference stock.

5. The said preference stock shall entitle the holders thereof in priority to all other stockholders to payment thereon each year of a dividend non cumulative of not more than three per cent. per annum, should the net earnings in each year justify the directors in declaring the same.

Issue of mortgage bonds.

6. The directors of the company are hereby authorized and empowered to issue \$100,000, 20 years first mortgage bonds, or debentures of the company in sums of not less than \$100 each, signed by the president or vice-president of the company and countersigned by the secretary of the company, (such bonds, or debentures to bear date the 5th day of January, 1906, and to bear interest at the rate of four per cent. per annum, payable every half year, for which coupons payable to bearer may be attached) for the purpose of redeeming the existing bonds, debentures and coupons of the company and in lieu thereof, and to tender said bonds or debentures to the holders of existing bonds, debentures and coupons of the company in the proportion of one dollar par value of new bonds for every four dollars of indebtedness upon the said 5th day of January, 1906, due by the company on the existing bonds, debentures and coupons of the company and to pay any fractional amounts in cash in the said proportion of one to four and said tender and payment shall be a full satisfaction and payment of all the indebtedness of the company on the existing bonds,



bonds, debentures and coupons, which shall not bear interest after said 5th day of January. The residue of said new bonds or debentures not required for such redemption may be sold by the said directors at a price not less than par, the proceeds to be used for the purposes of the company.

7. The provisions of sections 44 to 48, both inclusive, of *The Ontario Railway Act, 1906*, shall apply so far as they are not inconsistent with this Act to the issue of said bonds or debentures, and said sections are hereby incorporated in this Act and made applicable to said bonds and debentures.

Application of ss. 44 to 48 of Ont. Ry. Act, 1906.

8. The said bonds or debentures to be issued as afore-  
said shall be in the form set out in schedule "C" to this Act and the company shall secure such new bonds or debentures by a mortgage deed in the form set out in schedule "D" to this Act, and shall thereby confer on the trustee all the rights, powers, and privileges therein contained and any person purchasing the franchise of said company at any sale under the powers contained in said mortgage deed shall become entitled to all the powers, rights and privileges enjoyed by said company under its Act of Incorporation and amending Acts and shall be subject to the same duties, liabilities and obligations as the said company. A duplicate copy of said mortgage deed shall be filed with the Provincial Secretary and upon being so filed the provisions of *The Registry Act* and *Bills of Sale and Chattel Mortgage Act* shall not apply thereto.

Form of bonds and debentures.

#### SCHEDULE "A."

Memorandum of Agreement made this 5th day of July, A.D. 1905, between the Kingston, Portsmouth & Cataraqui Electric Railway Company, hereinafter called the Company, of the first part; and the corporation of the City of Kingston, hereinafter called the Corporation, of the second part.

Witnesseth, whereas the said company has become financially involved, and has, in consequence, been obliged to suspend the operation of its railway;

And whereas the company has applied to the council of the corporation for certain modifications and additions to the agreement at present existing between them, and it is expedient to grant the same;

Now this agreement witnesseth that the said parties covenant and agree each with the other of them as follows:

1st. That all the property owned or occupied by the street railway company in the City of Kingston and actually used by the company for street railway purposes be and the same is hereby exempted from municipal taxation for a period of fifteen years from the date hereof, and for each year of a further period of ten years thereafter in which the net profits of the company do not exceed six per cent. on capitalization of \$100,000, upon this agreement being confirmed by an Act of the Legislative Assembly of the Province of Ontario. Application for such Act shall be made by the company at its own costs and charge.

2nd. That the company and corporation shall be entitled each to the use of the poles of the other for its purposes where such common user shall not interfere with the use of such poles by the party owning such poles.

3rd. Sub. clause (c) of clause 16 of the agreement between the said parties, dated 9th May, 1893, shall hereafter apply only to the car service upon the company's entire railway between the 15th June and 15th September in each year, and during the period between the 15th September in each year and the 15th June of the succeeding year until it is otherwise agreed upon between the parties hereto the cars shall be run so that not more than twenty-five minutes shall elapse between the passage of one car in either direction at any point on the line and the arrival of another car at the same point.

4th. The company shall, during the remainder of the term or terms during which it shall operate its railway within said city, be relieved and exonerated from the obligations imposed upon the company by clause 15 of the agreement between the parties hereto, dated 9th May, 1893, to repair certain portions of the streets in and along which the tracks of the said company are laid; provided, however, that the company shall be bound to make, at its own cost and charge, repairs to the streets necessitated by the disturbance of the streets arising from the removing, laying or repairing its track, or any part of the same.

5th. The company shall, at its own cost and charge, and for the purpose of operating its cars, remove the snow from its tracks by means of plows, sweepers, or otherwise, but in case the snow shall accumulate at the side of the company's tracks to such an extent that it is in the judgment of the city engineer of the corporation reasonably impracticable to keep the track clear of snow by means of sweepers for the purpose of operating the cars, then, in case the snow is not removed by the city at its sole cost and charge, the company shall have the option of discontinuing operation until the track becomes clear of snow and ice again. In case the corporation or company is dissatisfied with the judgment of the city engineer either shall have the right to apply to the Chancellor of Ontario who shall have power to name an independent engineer, whose decision as to the reasonable impracticability of keeping the track clear shall be final and binding on the parties hereto. These provisions are to supersede all provisions as to the removal of snow and ice from the streets in existing agreements heretofore made between said parties.

6th. The company shall have the right to discontinue the service of its cars upon its Williamsville branch westerly from the intersection of Princess and Alfred Streets during all or any portion of the year.

7th. The company shall have the right to double its tracks upon all the streets of the said city upon which its tracks are now laid, but the laying of such tracks and the restoration of the streets disturbed thereby shall be made and done at the cost and charge of the company.

8th. The company shall have the option of substituting stoves for the purpose of heating its cars in lieu of the electric heaters at present used for that purpose.

9th. That all accounts now due and owing by the company to the corporation for power supplied, and in respect of the cost of snow removed, shall be remitted and discharged.

10th. In case after the railway has been in operation for a period of one year from the date hereof, it is found to be impossible to pay expenses, the company shall have the right to discontinue the operation of the railway, and to take up and remove the poles, rails and other material being erected in and along the streets of the city, but shall restore the streets or parts of streets disturbed by said taking up and removal, and the company shall, upon such discontinuance of operation for a period of three months, upon one month's notice by the corporation to that effect, be compellable to

take up and remove all said poles, rails and other material, and to restore the streets and parts of streets disturbed as aforesaid at the cost of the company, and, if the company shall fail within a reasonable time after such notice to resume the operation of the railway, as required by the agreement, or to take up and remove said rails, poles and other material and restore said streets and parts of streets as aforesaid, the corporation may take up and remove the same and charge the cost of the same against the company, and shall have a lien upon the poles, rails and other material so taken up and removed for the expense so incurred by the corporation.

Provided, however, that the corporation shall have the right to purchase, before removal, at a price equal to that which can be obtained by the company for the said poles, rails and other material when taken up, but less the cost of taking same up and restoring the streets disturbed thereby.

11th. In case the company shall instal engines and generators on the property of the corporation, and enters into an agreement with the corporation for the supply of power to operate its road, it shall be entitled to remove said engines and generators at its own expense, making good any injury occasioned thereby to the property of the corporation.

12th. The corporation shall provide space for and allow the company to instal engines and generators at its own expense for the operation of its railway, and, in case the company instals engines and generators on the property of the corporation for the purposes of operating its railway, then the company shall make at its own cost and charge all necessary repairs to said generators and engines, and the corporation shall, for a period of one year, or four years, at the option of the company, supply the necessary steam, oil, waste and attendance for the operation of said road at the following prices to be paid monthly on presentation of accounts by the corporation, namely, at 1 2/3 cents per kilowatt hour measured at the switchboard, but not to exceed \$2.50 per car per day of 15 hours for regular passenger cars. When an account has been presented and remains overdue and unpaid for fifteen days thereafter the corporation may discontinue the supply of power to the company under this agreement, but electric current at said rate shall be furnished only for propelling and lighting the cars of the company, and not for heating the same.

13th. The company shall have the right to lay a water main from its premises on which its power plant is situated to the waters of the harbour, but subject to the by-laws of the corporation and to the supervision of the city engineer of the corporation.

14th. The corporation shall not be liable in damages to the company for any loss arising to the company from any cause whatever, excepting a breach of some provision of this contract, nor shall the company be liable to indemnify the corporation against liabilities arising from non-repair of the streets, save and except where there is a duty to repair imposed upon the company by this agreement.

15th. The company shall begin to operate the railway, pursuant to the terms of this agreement, within two weeks after the execution of this agreement by the corporation.

In witness whereof the parties have executed this agreement.

KINGSTON, PORTSMOUTH & CATARAQUI ELECTRIC RAILWAY COMPANY,  
Per H. W. RICHARDSON, President.

(L.S.)

W. F. NICKLE,  
Secretary.

R. W. F. McFARLANE, Mayor.  
(L.S.)

L. W. SHANNON,  
City Clerk.

SCHEDULE "B."



## SCHEDULE "B."

Memorandum of Agreement made this twenty-fifth day of July, A.D. 1905, between the corporation of the Village of Portsmouth, hereinafter called the Corporation, of the first part; and the Kingston, Portsmouth and Cataraqui Electric Railway Company, hereinafter called the Company, of the second part.

Witnesseth, whereas the said company has become financially involved, and was, in consequence, obliged to suspend the operation of its railway;

And whereas the company has applied to the council of the corporation for certain modifications and additions to the agreement at present existing between them, and it is expedient to grant the same;

Now this agreement witnesseth that the said parties covenant and agree each with the other of them as follows:

1st. That all the property owned or occupied by the street railway company in the Village of Portsmouth and actually used by the company for street railway purposes be and the same is hereby exempted from municipal taxation for a period of fifteen years from the date hereof, and for each year of a further period of ten years thereafter in which the net profits of the company do not exceed six per cent. on capitalization of \$100,000, upon this agreement being confirmed by an Act of the Legislative Assembly of the Province of Ontario. Application for such Act shall be made by the company at its own costs and charge.

2nd. The said company not having, in the construction of their railway, laid their rails flush with the street, as provided in the existing contract, the corporation consent to allow them to continue as they at present exist, and the corporation further consent to relieve the company from the positive obligation to repair and keep in thorough repair all street surface, and all crossings inside the rails and eighteen inches outside the rails, and, where there is a switch or side track, the space between the two sets of tracks, as provided by paragraph 13, subsection "A" and "B" of the said existing agreement, which subsections are hereby cancelled, and in consideration thereof the said company covenant and agree with the said corporation to indemnify and save them harmless against all loss, costs, expenses or damages, which they may have to pay or may incur through claims, actions or proceedings against said corporation by reason at any time of the said rails not being flush, and the said repairs done, and kept done, as provided by said existing agreement were it continued in force.

3rd. Subsection (c) of clause 14 of the said existing agreement between the parties, dated 13th March, 1894, is varied by providing that between the 15th September in each year, and the 15th June of the succeeding year, until it is otherwise agreed upon between the parties hereto, the cars shall run so that not more than twenty-five minutes shall elapse between the passage of one car in either direction at any point on the line and the arrival of another car at the same point, and the said sub-clause stands with such variation, except as hereinafter provided.

4th. Whenever, in future, the company shall be unable to run their cars further than Short's Corner without the removal of snow or ice from the track beyond that point they shall be under no obligation to remove the same, and they may stop their cars at said corner instead of proceeding further west.

5th. The company shall have the option of substituting stoves for the purpose of heating its cars in lieu of the electric heaters at present used for that purpose.

6th. In case, after the railway has been in operation for a period of one year from the date hereof, it is found to be impossible to pay expenses, the company shall have the right to discontinue the operation of the railway, and to take up and remove the poles, rails and other material being erected in and along the streets of



the village, but shall restore the streets or parts of streets disturbed by said taking up and removal, leaving said streets in a safe condition, satisfactory to the corporation, and the company shall, upon such discontinuance of operation for a period of three months, upon one month's notice by the corporation to that effect, be compellable to take up and remove all said poles, rails and other material, and to restore the streets and parts of streets disturbed as aforesaid at the cost of the company, and, if the company shall fail within a reasonable time after such notice to resume operation of the railway as required by the agreement, or to take up and remove said rails, poles and other material and restore said streets and parts of streets as aforesaid, the corporation may take up and remove the same and charge the cost of the same against the company, and shall have a lien upon the poles, rails and other material so taken up and removed for the expense so incurred by the corporation. Should the company at any time desire or be compelled to remove the rails, poles and material under this provision, it shall deposit with the reeve \$500.00 as a condition precedent, said sum to be held as security for the due performance of their obligations hereunder.

7th. When the cars are prevented from running in the City of Kingston, owing to the failure of the city to remove the snow and ice, as provided by the agreement with the city, the company may desist from running them through the Village of Portsmouth.

In witness whereof the parties have executed this agreement.

KINGSTON, PORTSMOUTH & CATARAQUI ELECTRIC RAILWAY COMPANY,

Per H. W. RICHARDSON,  
President.

(L.S.)

W. F. NICKLE,  
Secretary.

JNO. FISHER,  
Reeve.

(L.S.)

J. W. HENSTRIDGE,  
Acting Clerk.

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#### SCHEDULE "C."

DOMINION OF CANADA,  
No.

PROVINCE OF ONTARIO,  
\$100,000.

#### KINGSTON, PORTSMOUTH & CATARAQUI ELECTRIC RAILWAY COMPANY DEBENTURE.

The Kingston, Portsmouth & Cataraqui Electric Railway Company hereby acknowledges itself indebted, and promises to pay to the bearer hereof on the fifth day of January, 1926, at the office of the said company, in the City of Kingston, the sum of

dollars in gold coin, with interest at the rate of four per cent. per annum, payable half-yearly on the fifth days of January and July in each year, said interest being payable on the presentation of the proper coupons hereunto annexed at the said office in the City of Kingston.

This debenture is issued under the authority of an Act of the Legislature of the Province of Ontario respecting the Kingston, Portsmouth & Cataraqui Electric Railway Company, 6 Edward VII., chapter No. 111, and forms a first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property

perty thereof now or at any future time acquired after the payment from the tolls and income of the working expenses of the railway, as defined by *The Ontario Railway Act, 1906*, and is secured by a mortgage deed dated the \_\_\_\_\_ day of \_\_\_\_\_

and made between the said company of the one part, and \_\_\_\_\_ of the other part, upon the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, present and future, subject to the conditions heretofore mentioned.

The total amount of the debentures of this issue is one hundred thousand dollars.

This debenture is subject to the conditions endorsed hereon.

In witness whereof the said railway company has caused its corporate seal to be affixed hereto, and these presents to be subscribed by its president and secretary, at Kingston, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 190 \_\_\_\_\_

1. Each holder of the said debentures shall be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all the other holders.

2. All the debentures shall be payable *pari passu* without preference or priority one over another.

3. The company shall not be at liberty to create any mortgage or charge upon the securities comprised in the mortgage deed neither in favour of its bankers for advances nor in favour of any person for any reason whatsoever either in priority to or to rank *pari passu* with the charge hereby created.

4. The principal moneys hereby secured shall become immediately payable in the following events:

(a) If the company makes default for one year in the payment of any interest hereby secured, and the bearer, before such interest is paid, by notice in writing to the company, calls in the said principal moneys;

(b) If a receiver is appointed of the property charged, or any of it.

5. If the company makes default in paying the principal or interest on any of the debentures at the time when the same becomes due or payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of debentures so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount.

Provided the debenture in respect of which he claims to exercise such rights had been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound, on demand, to register such debentures, and thereafter any transfer thereof, in the same manner as shares or transfers of shares.

6. The holders of these debentures are entitled *pari passu* to the benefit of a mortgage deed dated the \_\_\_\_\_ day of \_\_\_\_\_

A.D. 190 \_\_\_\_\_, and made between the company of the one part, and \_\_\_\_\_ of the other part, whereby all the franchise, undertaking, tolls and income, rents and revenues, and real and personal property of the company, present and future, has been conveyed to the said trustee upon trust for further securing the principal moneys and interest secured under the said series of debentures, subject to the payment from the tolls and income of the working expenses of the railway.

This debenture is subject to all the privileges and conditions contained in the said trust deed.

This

## SCHEDULE "D."

This Indenture made the \_\_\_\_\_ day of  
A.D.190\_\_\_\_, between the Kingston, Portsmouth & Cataraqui  
Electric Railway Company, hereinafter called "the Company,"  
of the one part, and  
hereinafter called "the Trustee," of the other part.

Whereas the company, being duly empowered in that behalf, has resolved to raise the sum of one hundred thousand dollars by the issue of mortgage debentures for that amount, bearing interest at the rate of four per centum per annum, and has agreed to further secure the payment of the principal and interest payable in respect of such debentures by transferring to the trustee the property hereinafter conveyed upon trusts hereinafter appearing.

And whereas the said \_\_\_\_\_ has consented to act as trustee for the holders of the said debentures.

Now this indenture, made in pursuance of the said agreement, and in consideration of the premises, witnesseth and declares as follows:

1. The company, for itself and its assigns, hereby covenants with the trustee and his successors that the company will duly pay to the holders for the time being of the debentures forming part of the said issue of one hundred thousand dollars, the respective sums which shall from time to time become due to such holders for principal and interest under the said debentures at the respective times at which the same shall respectively become due, and in accordance with the conditions of such debentures.

Provided, always, that the trustee shall be bound to bring any action or take any proceeding against the company under the covenant hereinbefore mentioned upon the requisition of any holder of a debenture or debentures, such holder giving full and satisfactory indemnity against all costs and expenses to be incurred in such action or proceeding.

2. The company hereby grants and assigns unto the said trustee the franchise, undertaking, tolls and income, rents and revenues, and real and personal property of the company, present and future, (provided, always, that such rents and revenues shall be subject to the payment of the working expenditure of the railway as defined by *The Ontario Railway Act, 1906*, to have and to hold the hereditaments and premises hereby granted and assigned (hereinafter called the mortgaged property) as to the real estate comprised therein unto and to the use of the trustee in fee simple, and as to the personal property comprised therein to the trustee absolutely upon trust as to both for securing to the respective holders of said debentures forming part of the issue of one hundred thousand dollars without preference or priority, the principal moneys and interest payable thereunder in manner following.

3. The company shall be entitled and shall be permitted by the trustee to hold and enjoy all the mortgaged property, and to carry on their business therein and therewith until default shall be made for one year in the payment of any principal or interest secured by the debentures, but so that the company shall not charge any part of the mortgaged property with any principal moneys or interest ranking in priority to the charge hereby created in favour of the said debenture holders, or *pari passu* with such debentures, neither in favour of its bankers for advances, nor in favour of any person for any reason whatsoever.

4. If the company shall make default for one year in payment of any principal moneys or interest secured by the debentures of the company, or if, for any reason, the trustee may consider the security imperilled, the trustee may, in his discretion, and shall, upon the request in writing of holders of debentures to the aggregate amount of twenty thousand dollars, enter upon and take possession of the mortgaged property, and shall, upon the like request, sell and dis-  
pose



pose of the said mortgaged property upon terms and conditions to be fixed by the High Court of Justice for Ontario, or a Judge thereof, on the application of the said trustee, notice of which application shall be given by publication in the Canada Gazette, and in a paper published in each of the counties in which any part of the mortgaged property is situated, once a week for nine successive weeks, and, at the hearing thereof, any holder of a debenture or debentures shall be entitled to be represented and to produce evidence as to the value of the mortgaged property, and as to the advisability of the terms and conditions of sale.

And it is hereby declared that upon any such sale purporting to be made in pursuance of the aforesaid power or trust in that behalf, the purchaser or purchasers shall not be bound to see or inquire whether any such request as aforesaid to make entry and a sale has been made by any of the debenture holders, or whether any such default as aforesaid, or whether any default has been made in payment of any principal or interest intended to be hereby secured at the time appointed for the payment thereof, or whether any money remains on the security of these presents or otherwise as to the propriety or regularity of such sale, and notwithstanding any impropriety or irregularity whatever in any such sale, the sale shall, as far as regards the safety and protection of the purchasers, be deemed to be within the aforesaid power in that behalf, and be valid and effectual accordingly.

5. On receipt of any request as hereinbefore mentioned, to enter or sell, the trustee shall give immediate notice thereof in writing to the company, and shall not enter or sell in pursuance of such request if the company shall prove to the said trustee that they have, within one calendar month next after notice to them of re-entry or sale, duly paid all principal and interest so in arrear.

6. The trustee shall hold the moneys which shall arise from any sale made in pursuance of the aforesaid trust in that behalf upon trust that he shall, in the first place, by and out of the same, reimburse himself, or pay and discharge all the costs and expenses incurred in or about such sale, or otherwise, in respect of the property.

And, in the next place, shall by and out of the same, pay the moneys for the time being due and owing for principal and interest on all the debentures of the company forming part of the aforesaid issue of one hundred thousand dollars, whether such debentures shall have fallen due or not, and shall pay the surplus of the moneys arising from such sale to the company, or its assigns.

But in case such moneys shall be insufficient to pay in full the principal moneys and interest due on the said debentures, the same shall be apportioned ratably, and without any preference or priority among all the holders of such debentures, according to the amount of their debentures.

7. The trustee may, whenever the said power of entry or sale has become exercisable, appoint any one or more persons receiver or receivers of the mortgage property, and may, from time to time, remove any such receiver and appoint a new receiver in his place. But such appointment, whether before or after the aforesaid power of sale has arisen, shall not prejudice the aforesaid power of sale or any other of the powers and remedies hereby given to the trustee in respect of any previous or subsequent default which would otherwise entitle the trustee to exercise any such power or remedy.

8. The trustee may, after he has entered and taken possession of the mortgaged property, and until the same is sold under the trust deed before declared, carry on the business of the company, and manage and conduct the same as he shall, in his discretion, see fit.

And may repair and keep the said property in repair, and do all things necessary and incident to the carrying on of the work of the railway, and may insure the said property against damage by fire, as he shall think fit.



9. The company, for itself and its assigns, hereby covenants with the trustee, and his successors, that it will observe and perform the conditions endorsed on the said debentures, and in particular will not create any charge on the mortgaged property ranking in priority to, or *pari passu*, with the mortgage hereby created.

10. The trustee may, at any time, call a meeting of the bondholders by advertisement, as herein provided, to discuss matters affecting their interest.

11. Upon a request in writing being made by the holders of debentures to the aggregate amount of twenty thousand dollars to the trustee either to enter or sell, or both, full and satisfactory indemnity shall be given by them against any costs or expenses which may be incurred in enforcing this security.

Provided, always, that the principal moneys hereby secured, one hundred thousand dollars, shall immediately become payable in the following events:

(a) If the company makes default for one year in the payment of any interest hereby secured, and the holder of the debenture, before such interest is paid, by notice in writing to the company, calls in the principal moneys of such debenture;

(b) If a receiver is appointed of the mortgaged property, or any part of it.

13. If, at any time or times, the position of trustee shall become vacant, then, on the application of the company or any holder of debentures, notice of which shall be given as hereinbefore provided, a Judge of the High Court of Justice for Ontario may appoint such person to be trustee as may to him seem fit, and, on such appointment, the said mortgaged property shall vest in such, and such persons shall be vested with the same rights, powers, authorities and interests and privileges as are given to the trustee herein named, without any conveyance, act or deed.

14. If the company makes default in paying the principal or interest on any of the debentures at the time when the same becomes due or payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of debentures so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount.

Provided the debenture in respect of which he claims to exercise such rights had been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon, and the company shall be bound, on demand, to register such debentures, and thereafter any transfer thereof, in the same manner as shares or transfers of shares.

15. The company for itself and its assigns, covenants with the said trustee, and his successors, that the company has the right to convey the said lands, notwithstanding any act of the said company.

That, in default, the trustee shall have quiet possession of the said lands free from all encumbrances. That the company will execute such further assurances of the said lands as may be necessary. That the company has done no act to encumber the said lands.

The covenants in this section contained shall be construed according to the tenor and effect of the several and respective forms of covenants set forth in Schedule B to the *Act respecting Short Forms of Conveyances*, R.S.O. 1897, chapter 124, and therein numbered 2, 3, 4, 5 and 7.

In witness whereof the company has caused its corporate seal to be hereunto affixed, and these presents to be signed by its president and secretary, and the trustee, to evidence his acceptance of the said trust, has, likewise, signed and sealed these presents.

CHAPTER

## CHAPTER 112.

## An Act respecting The North Midland Railway Company.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the North Midland Railway Company was incorporated by an Act passed in the fourth year of the reign of His Majesty King Edward the Seventh, and chaptered 84, for the purpose of constructing and operating an electric railway between the points set out in the said Act; and whereas the said company has by its petition prayed that the time for the commencement and completion of the said railway may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

4 Edw. VII.,  
c. 84, s. 29,  
repealed.

1. Section 29 of the Act passed in the 4th year of His Majesty's reign, chaptered 84, is repealed.

Times for commencement  
and completion  
of lines.

2. The railway authorized by the said Act and by this Act shall be commenced within two years and completed within four years after the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the company by the said Act and by this Act shall cease, and be null and void as respects so much of the railway as then remains uncompleted.

Certain provisions of Ont.  
Ry. Act, 1906,  
to apply.

3. Notwithstanding anything contained in the said Act of Incorporation, all the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the said company and the railway to be constructed under this Act.

CHAPTER

## CHAPTER 113.

## An Act respecting The Ontario West Shore Electric Railway Company.

*Assented to 14th May, 1906.*

**W**HEREAS Joseph Thomas Goldthorpe, Daniel Mc- Preamble.  
 Gillicuddy, James Wilson and Malcolm Graeme  
 Cameron were, by an Act passed in the 2nd year of His  
 Majesty's reign, chaptered 78, incorporated as a company  
 under the name of The Huron, Bruce and Grey Electric Rail-  
 way Company, for the purpose of constructing and operating  
 an electric railway from the Town of Goderich along the  
 route set forth in the said Act; and whereas the said Act  
 was amended by an Act of the Legislature of Ontario  
 passed in the 3rd year of His Majesty's reign, chaptered  
 98, whereby the name of the said company was changed,  
 and the corporate name of the company declared to be  
 The Ontario West Shore Electric Railway Company; and  
 whereas the said company has been unable to commence  
 the construction of the said railway within the two years  
 required by section 22 of the said Act passed in the 2nd  
 year of His Majesty's reign, chaptered 78; and whereas  
 the said company has petitioned for an Act to revive the  
 Act of Incorporation of the company, and that the time  
 for the commencement of the railway be extended for two  
 years, and the completion thereof for four years from the  
 passing of this Act;

Therefore His Majesty, by and with the advice and con-  
 sent of the Legislative Assembly of the Province of On-  
 tario, enacts as follows:—

1. The Act passed in the 2nd year of His Majesty's reign, chaptered 78, and intituled "An Act to incorporate The Huron, Bruce and Grey Electric Railway Company," as amended by the Act of the Legislature of Ontario passed in the 3rd year of His Majesty's reign, chaptered 98, is hereby revived, and the said The Ontario West Shore Electric Railway Company, save as herein otherwise provided, is declared to be and to have been from the date of the passing of this Act.

Extension of  
time for com-  
mencement  
and completion  
of railway.

passing of the said Act an existing corporation as incorporated by and subject to the provisions of the said Act as amended by the Act passed in the 3rd year of His Majesty's reign, chaptered 98, intituled "An Act to amend the Act incorporating The Huron, Bruce and Grey Electric Railway Company," and by this Act and the time for the commencement of the said railway is hereby extended to two years, and the completion to four years after the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the said company by the said Act of Incorporation, and by the said amending Act, and by this Act, shall cease, and be null and void as respects so much of the railway as then remains uncompleted.

Certain provisions of Ont Ry. Act, 1906, to apply.

2. Notwithstanding anything contained in the said Act of Incorporation, and the said amending Act, all the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the said company and the railway to be constructed under this Act.



## CHAPTER 114.

## An Act to incorporate the Pembroke Radial Railway Company.

*Assented to 14th May, 1906.*

**W**HEREAS Alexander Millar, Robert W. Gordon, Robert Booth, Albert T. Mackie, James Coxford, Edward A. Dunlop and John G. Forgie, have by their petition applied for an Act of Incorporation under the name of "The Pembroke Radial Railway Company" for the purpose of constructing and operating an electric railway from some point in or near the Town of Pembroke, in the County of Renfrew, through the said Town of Pembroke and the Townships of Pembroke, Stafford, Alice and Petewawa in the said County of Renfrew to the Town plot of Petewawa in the said Township of Petewawa, and through the said Town of Pembroke and the Townships of Pembroke and Westmeath to the Villages of Westmeath and Beachburg in the said Township of Westmeath, and through the said Town of Pembroke and the Townships of Pembroke, Stafford, Alice, Wilberforce, Bromley, Ross and Westmeath by way of Locksley, Rankin, Micksburg, Osceola, Cobden and Forrester's Falls or any of them, to the said Village of Beachburg, all in the said County of Renfrew; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Alexander Millar, Robert W. Gordon, Robert Booth, Albert T. Mackie, James Coxford, Edward A. Dunlop and John G. Forgie, and such other persons and corporations as shall hereafter become shareholders in said company are hereby constituted a body corporate and politic under the name of "The Pembroke Radial Railway Company," hereinafter called "the company."

Location  
of line.

2. The company is authorized and empowered to lay out, construct and operate, by electricity, a railway from some point in or near the Town of Pembroke, in the County of Renfrew, through the said Town of Pembroke and the Townships of Pembroke, Stafford, Alice and Petewawa in the said County of Renfrew, to the town plot of Petewawa, in the said Township of Petewawa, and through the said Town of Pembroke and the Townships of Pembroke and Westmeath to the Villages of Westmeath and Beachburg in the said Township of Westmeath, and through the said Town of Pembroke and the Townships of Pembroke, Stafford, Alice, Wilberfoce, Bromley, Ross and Westmeath by way of Locksley, Rankin, Micksburg, Osceola, Cobden and Forrester's Falls or any of them, to the said Village of Beachburg, all in the said County of Renfrew.

Provisional  
directors.

3. The said Alexander Millar, Robert W. Gordon, Robert Booth, Albert T. Mackie, James Coxford, Edward A. Dunlop and John G. Forgie shall be and are hereby constituted a board of provisional directors of the said company.

Capital stock.  
Calls thereon.

4. The capital stock of the company shall be \$500,000. No one call thereon shall exceed ten per cent. on the shares subscribed.

Number of  
directors.

5. The number of directors of the company shall not be less than five nor more than twelve.

Head office.

6. The head office of the company shall be at the said Town of Pembroke, in the County of Renfrew.

Bonding  
powers.

7. The issue of bonds, debentures or other securities by the company shall not exceed \$25,000 per mile of the railway.

Certain provisions of Ont.  
Ry. Act, 1906,  
to apply.

8. All the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the company and the railway to be constructed under this Act.

## CHAPTER 115.

## An Act respecting the Pembroke Southern Railway Company.

*Assented to 14th May, 1906.*

**W**HEREAS the Pembroke Southern Railway Company, hereinafter called the "Company," has, under the various Acts incorporating and relating to the company, constructed, from the Town of Pembroke, in the County of Renfrew, to Golden Lake, in the said county, its line of railway by the said Acts authorized; and whereas the company by its petition has prayed for power to extend its said line of railway from a point at or near the Town of Pembroke, through the Townships of Pembroke, Stafford, Alice and Petewawa, to a point in the said Township of Petewawa; and whereas it is expedient to grant the prayer of the said petition.—

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The company may construct, equip, maintain and operate an extension of its line of railway from a point at or near its present northern terminus in the Town of Pembroke, in the County of Renfrew; thence through the Townships of Pembroke, Stafford, Alice and Petewawa, in the said County of Renfrew, to a point in the said Township of Petewawa.

Construction of line from Pembroke into township of Petewawa.

2. The company shall have and enjoy and be entitled to all the rights, powers and privileges and advantages of every nature and kind, whether had under the Act of incorporation and other Acts relating to the company or otherwise, with reference to all matters necessary for the construction, equipment, maintenance and operation of the said extension, in as full and ample a manner as if the said extension had been a part of the original undertaking of the company.

Powers of company as to such extension.

Bonding  
powers as to  
extension.

3. The company may issue bonds, debentures or other securities to the extent of \$15,000 per mile of the extension hereby authorized.

Time for com-  
mencement  
and comple-  
tion of exten-  
sion.

4. The said extension shall be commenced within two years and completed within three years from the passing of this Act.



## CHAPTER 116.

An Act respecting the Peterborough Radial  
Railway Company.*Assented to 14th May, 1906.*

**W**HEREAS the Peterborough Radial Railway Com- Preamble.  
pany, hereinafter called "the company," incorporated  
by an Act of the Legislature of Ontario, passed in the second  
year of His Majesty's reign, chaptered 91, has by its peti-  
tion prayed that an Act may be passed granting permission  
to extend its line of railway, as authorized by said Act of  
Incorporation, from a point on Clear Lake through the  
Townships of Douro and Dummer or the Township of Smith  
to a point on Stony Lake, all in the County of Peterborough,  
and has further prayed that the time for the completion of  
the whole undertaking be extended for a period of five  
years from the date hereof; and whereas it is expedient to  
grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The company is authorized and empowered to lay out,  
construct and operate, by electricity, an extension of the Extension of  
railway  
authorized.  
company's railway from a point on Clear Lake through the  
Townships of Douro and Dummer or the Township of  
Smith, to a point on Stony Lake, all in the County of Peter-  
borough.

2. The time for the completion of the whole undertaking Time for  
completion  
referred to in the said Act of Incorporation and in this  
Act, is hereby extended for a period of five years from the  
passing of this Act, provided that one of the sections of  
the railway outside of the City of Peterborough shall be  
commenced within three years from the passing of this  
Act.

3. If one of the sections outside of the City of Peterbor- Act to be of no  
effect if one  
ough is not commenced within the time limited as aforesaid,  
and

section not  
completed  
within time  
limited.

and the railway completed within five years from the passing of this Act, then the powers granted by this Act shall cease, and be null and void as respects so much of the railway as at the expiration of either of the said periods of time remains uncompleted.

Crown may  
use right of  
way for the  
transmission of  
power to munici-  
palities.

4. The Ontario Railway and Municipal Board, upon receiving instructions in that behalf from the Lieutenant-Governor in Council, and the officers, agents and servants of the Board, may at all times enter upon the right of way of the company and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor in Council and the company.

## CHAPTER 117.

## An Act to incorporate The Port Credit, Brampton and Guelph Railway Company.

*Assented to 14th May, 1906.*

**W**HEREAS Robert James Copeland, of the City of Tor-<sup>Preamble</sup>  
 onto, in the County of York, Manufacturer, John  
 Henry Boulter, of the Town of Brampton, in the County  
 of Peel, Woollen Merchant, Benjamin F. Justin, of the  
 said Town of Brampton, Barrister, George E. Ellis, of the  
 City of Winnipeg in the Province of Manitoba, Whole-  
 sale Jeweler, John Sykes, of the Township of Esquesing,  
 in the County of Halton, Manufacturer, James R. Fallis  
 of the said Town of Brampton, Cattle Dealer, and John  
 Clarke, of the said Town of Brampton, Gentleman, have  
 by their petition prayed for an Act of incorporation under  
 the name of "The Port Credit, Brampton and Guelph  
 Railway Company" for the purpose of constructing, and  
 maintaining a railway to be operated by steam or  
 electricity from some point in or near Port Credit, in the  
 County of Peel, and continuing in a northerly and westerly  
 direction by the most feasible route to a point in or near  
 the City of Guelph, and passing through the Townships of  
 Toronto and Chinguacousy and the Town of Brampton and  
 the unincorporated Village of Huttonville, in the County of  
 Peel, and the Township of Esquesing, and the Villages of  
 Georgetown and Acton and the unincorporated Villages of  
 Norval and Glenwilliams, in the County of Halton, and  
 the Townships of Eramosa and Guelph, in the County of  
 Wellington to the said City of Guelph; and whereas it is  
 expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and<sup>Incorporation.</sup>  
 consent of the Legislative Assembly, of the Province of  
 Ontario, enacts as follows:—

1. The said Robert James Copeland, John Henry Boulter, Benjamin F. Justin, George E. Ellis, John Sykes, James R. Fallis and John Clarke and such other persons, firms and corporations as well as shall hereafter become shareholders of the said company are hereby constituted a  
 body

body corporate and politic under the name of "The Port Credit, Brampton and Guelph Railway Company", hereinafter called "the Company."

Location of  
line.

2. The company is hereby authorized and empowered to lay out, construct and operate by steam or electricity a railway from some point in or near the Village of Port Credit, in the County of Peel, continuing in a north westerly direction by the most feasible route to a point in or near the City of Guelph, in the County of Wellington, and passing through the Townships of Toronto and Chinguacousy, the Town of Brampton and the unincorporated Village of Huttonville, in the County of Peel, and the Township of Esquesing and the Villages of Georgetown and Acton and the unincorporated Villages of Norval and Glenwilliams, in the County of Halton, and the Townships of Eramosa and Guelph, in the County of Wellington, to the said City of Guelph.

Provisional  
directors.

3. The persons named in section 1 of this Act shall be and are hereby constituted a board of provisional directors of the company.

Capital stock.  
Calls thereon.

4. The capital stock of the company shall be \$100,000. No one call thereon shall exceed ten per cent. on the shares subscribed.

Number of  
directors.

5. The number of directors shall not be less than five nor more than nine.

Head office.

6. The head office of the company shall be at the said Town of Brampton.

Bonding  
Powers.

7. The issue of bonds, debentures or other securities by the company shall not exceed \$25,000 per mile of the railway.

Provisions of  
Ont. Ry. Act,  
1906, to apply.

8. All the provisions of *The Ontario Railway Act, 1906*, shall apply to the company and the railway to be constructed under this Act.



## CHAPTER 118.

An Act to incorporate The Port Elgin Spur Line.

*Assented to 14th May, 1906.*

**W**HEREAS William McVicar, Saw Miller and Lumber Merchant; Peter McVicar and John McVicar, Lumbermen; William Rutson, Inspector of Lumber; and John Strong, Mariner, all of the village of Port Elgin, in the county of Bruce, have, by their petition, prayed for an Act of Incorporation under the name of "The Port Elgin Spur Line" for the purpose of constructing, maintaining and operating a switch or siding from the Railway Station of the Grand Trunk Railway Company of Canada at the village of Port Elgin westerly through the said village to the Harbour Dock at the village aforesaid and to a mill yard near to the said dock and with power to enter into a working agreement with the said Grand Trunk Railway Company, and that the by-law and agreements mentioned in the schedules to this Act be confirmed; and whereas it is expedient to grant the prayer of the said petition; Preamble

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said William McVicar, Peter McVicar, John McVicar, William Rutson and John Strong, and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Port Elgin Spur Line," hereinafter called "the Company." Incorporation

2. The Company, their servants and agents are authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by steam a switch or siding from a point at or near the railway station of the Grand Trunk Railway Company of Canada in the village of Port Elgin, in the county of Bruce, thence westerly through Location of line.

through the said village to the Harbour Dock at the said village of Port Elgin and to the mill yard of the petitioner, William McVicar, at or near the said dock.

Provisional directors.

3. The said William McVicar, Peter McVicar, John McVicar, William Rutson and John Strong shall be the provisional directors of the said Company.

Head office.

4. The Head Office of the said Company shall be at Port Elgin aforesaid.

Capital stock.

5. The capital stock of the said Company shall be \$15,000.

Board of directors.

6. The board of directors of the company shall consist of five persons.

Agreement with G. T. Ry. Co. authorized.

7. The directors of the said Company shall have power to enter into an agreement with the Grand Trunk Railway Company of Canada for the working and operation of the said switch or siding, and may, with the consent of the said Grand Trunk Railway Company, unite or join with its railway at or near the said station.

By-law No. 482 of Village of Port Elgin and agreements confirmed.

8. Subject to the provisions of section 9 hereof, the by-law of the village of Port Elgin, Number 482, set out as Schedule "A" to this Act, and the debentures issued thereunder and the agreements therein referred to, set out as Schedules "B" and "C" to this Act, are hereby validated and confirmed.

Company not to have powers of a railway company save as to Switches and Sidings to Industries under Ontario Railway Act, 1906.

9. Notwithstanding the provisions of this Act and of the said agreements and by-law, the said Company shall not be deemed a railway company and shall not have the powers of a railway company save the powers conferred by the section of *The Ontario Railway Act, 1906*, relating to "Switches and Sidings to Industries."

Application of certain sections of Rev. Stat., c. 191.

10. The provisions of *The Ontario Companies Act*, sections 16 to 77, and 81 to 94, both inclusive, shall apply to the said Company.

#### SCHEDULE "A."

BY-LAW NO. 482 OF THE CORPORATION OF THE VILLAGE OF PORT ELGIN.

A By-law to authorize the issue of Debentures of the Village of Port Elgin, in the County of Bruce, to the amount of \$7,000.00 for the purpose of granting aid by way of bonus to the extent of \$7,000.00 to William McVicar, and to exempt the said William McVicar from taxation except school taxes.

Whereas William McVicar of the Township of St. Edmunds, in the County of Bruce, saw-miller and timber dealer, proposes to establish and carry on in the Village of Port Elgin a saw-milling and lumber manufacturing business, and to erect and equip suitable buildings with the necessary machinery and plant for that purpose, and has applied to the municipal corporation of the said Village of Port Elgin, for aid by way of bonus to the extent of

\$7,000.00,

\$7,000.00, and the exemption from taxation except for school taxes of the lands of the said William McVicar for the purpose of assisting him the said William McVicar in establishing and conducting said saw-mill and lumber manufacturing business in said Village of Port Elgin;

And whereas for the purpose of carrying these proposals into effect, the said William McVicar and the municipal corporation of the Village of Port Elgin entered into two agreements dated the 11th day of April, 1905, and the 23rd day of August, 1905, respectively, wherein in consideration of granting of such aid the said William McVicar agreed that he will erect and equip with necessary machinery in said Village of Port Elgin, a suitable saw-mill and plant for the manufacture of lumber, such saw-mill, machinery and equipment to be of the value of at least five thousand dollars and to have the capacity to manufacture at least twenty thousand feet of lumber per day, such mill to be fully completed on or before the 15th day of May, 1906, and that he will maintain said saw-mill and carry on business therein for a period of ten years from date of the granting of such aid and will manufacture in each of said ten years at said Village of Port Elgin at least two million feet of lumber, and employ the necessary number of employees for that purpose;

And whereas in and by said agreements the said William McVicar further agreed to build a spur railway line from the Grand Trunk Railway Station at the said Village of Port Elgin to the dock in the harbour in said Village of Port Elgin, as shown by plans prepared by the engineer of the Grand Trunk Railway Company, to purchase the necessary right of way for such spur line railway, grade the same and furnish the necessary ties for same, and that he will form a company and take all necessary steps to apply for an Act incorporating himself and others as a Spur Line Railway Company, to build and operate said spur line railway; and will assign ninety-five per cent. of the paid up stock of said Spur Line Railway Company to trustees for the said Village of Port Elgin, to be held as collateral security to secure the performance of the terms of a mortgage to be given by the said William McVicar for the due fulfilment of the terms of said agreements;

And whereas in and by said agreements said McVicar further agreed that he will purchase a railway engine at a cost of \$2,000.00 to be used for hauling cars over said spur line railway, and will erect a suitable engine house in which to keep same when not in use and will during the said period of ten years and so long thereafter as the said mill is carried on keep and maintain said spur line and engine in good and sufficient repair and convey in car-load lots merchandise and other materials for parties requiring the same to be conveyed from the dock or wharf on the shore of Lake Huron or any siding on such spur line to the said railway station, and from said railway station to said dock or any other points on the said spur line at prices to be approved of by the municipal council of the Village of Port Elgin, and at no greater prices, subject to appeal to the Judge of the County Court of the County of Bruce, and that no charge will be made for hauling empty cars required for such merchandise over such spur line, and that said engine will be driven over the said spur line in a careful and proper manner, and that the whistle be blown at all crossings as required by the *Canada Railway Act*, and that the same will not be driven at a speed exceeding six miles per hour, and that such cars shall be hauled by said Spur Line Railway Company over the said line within six working hours after it is notified to haul the same; and that the said Spur Line Railway Company will, when formed, enter into an agreement with the said municipal corporation of the Village of Port Elgin to this effect;

And whereas the said municipal council of the corporation of the Village of Port Elgin is willing to grant the aid so desired subject to

to the following provisos and conditions, contained in said agreements, namely:

1. That the said William McVicar shall produce satisfactory evidence to the municipal council of the said corporation or a duly appointed committee thereof that the said saw-mill, machinery and equipment are of the value and have the capacity above mentioned.

2. That the said William McVicar shall, before he shall be entitled to receive any of the said sum under this By-law, execute a mortgage or mortgages or procure same to be executed in favour of the said municipal corporation of the Village of Port Elgin, covering the said saw-mill, machinery and plant and the mill-yard in connection therewith, and the said railway engine, with bar of dower if necessary, and the usual statutory covenants including a covenant to insure for the full insurable value thereof, and also a covenant for the due performance of the said agreements hereinbefore set forth, and an assignment or transfer of ninety-five per cent. of the stock of said Spur Line Railway Company as aforesaid;

And whereas it is advisable that the said Village of Port Elgin should grant the said aid by way of bonus to the said McVicar for the promotion of said saw-mill and lumber manufacturing industry within the limits of the municipality of Port Elgin;

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of \$7,000.00, as hereinafter provided (which is the amount of the debt intended to be created by this By-law) the proceeds of the said debentures to be applied to the purpose aforesaid and to no other purpose;

And whereas it is desirable to issue said debentures at one time and to make the principal of the debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures; said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of said period as shown in schedule "A" hereto annexed;

And whereas the total amount required by the *Consolidated Municipal Act, 1903*, to be raised annually by special rate for paying the said debt and interest to be hereinafter provided is \$538.13;

And whereas the amount of the whole rateable property of the Village of Port Elgin, according to the last revised assessment roll is \$333,820.00;

And whereas the amount of the existing debenture debt of said municipality is \$29,363.11, whereof no part either of principal or interest is in arrear;

And whereas the granting of such bonus will not require for its payment, together with the payment of similar bonuses already granted by the said municipality an annual levy for principal and interest exceeding ten per cent. of the total annual municipal taxation of such municipality;

And whereas no industry of a similar nature is already established in said municipality;

Therefore the municipal council of the said Village of Port Elgin enacts as follows:

(1) A bonus of \$7,000.00 is hereby granted by the Village of Port Elgin to William McVicar, of the Township of St. Edmunds, in the County of Bruce, saw-miller and timber dealer, in aid of establishing and conducting a saw-mill and lumber manufacturing business within the limits of the said Village of Port Elgin, upon the terms and subject to the conditions contained in said two agreements above recited and made between the said William

McVicar



McVicar of the one part and the municipal council of the said Village of Port Elgin of the other part.

(2) For the purpose of raising the said sum of \$7,000.00, debentures of the said village to the amount of \$7,000.00 as aforesaid, in sums of not less than \$100.00 each shall be issued on the 1st day of November, A. D. 1905.

(3) The said debt and debentures issued therefor shall bear interest at the rate of four and one-half per cent. per annum. The said debentures shall be dated on the date of the issue thereof, and shall be payable in equal amounts in each of the twenty years next succeeding the said date, such amounts being made up of the aggregate sum due each year on account of principal and interest, as shown in the schedule hereunto annexed marked "A."

(4) Each of the said debentures shall be signed by the reeve of the village, or by some other person authorized by law to sign the same, and shall be countersigned by the treasurer; and the clerk of the said village shall affix thereto the corporate seal of the municipality.

(5) The said debentures shall be payable on the 1st day of November in each year during the said twenty years at the Bank of Hamilton in the said Village of Port Elgin, and the interest on said debentures shall be payable half yearly on the 1st days of May and November at the Bank of Hamilton, Port Elgin, in each and every year during the currency thereof, the first payment of such interest to be made on the 1st day of May, A.D. 1906. During the currency of said debentures, there shall be annually raised by special rate on all the rateable property in the said municipality the sum of \$538.13, for the purpose of paying the amount falling due in each of the said years for principal and interest, in respect of said debt as shown in schedule "A" annexed hereto.

(6) The works, plant, buildings and real and personal estate of the said William McVicar, actually used in connection with his said saw-mill and lumbering manufacturing business in the said Village of Port Elgin shall be exempt from all municipal taxation, except school taxes, for a period of ten years from date hereof; provided however that such exemption shall cease upon the said William McVicar's failing to carry out any of the terms and conditions on his part contained in the said agreements.

(7) This By-law shall take effect from and after the final passing hereof.

(8) The votes of the electors of the said Village of Port Elgin shall be taken on this By-law at the following times and places, that is to say: On Saturday, the 16th day of September, 1905, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock of the same day.

(9) The said votes shall be taken at the following places in said Village of Port Elgin by the following named parties: For Polling Subdivision Number One, at the Town Hall, and R. Munro is hereby appointed Deputy Returning Officer for said polling subdivision; Polling Subdivision Number Two at the vacant shop in Muir's Block, and J. C. Dalrymple is hereby appointed Deputy Returning Officer for said polling subdivision number two.

(10) On Thursday, the 14th day of September, 1905, the reeve of said Village of Port Elgin shall attend at the clerk's office in said village at 7.30 o'clock in the afternoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

(11) The clerk of the council of the said Village of Port Elgin shall attend at his office in the said village at eleven o'clock in the forenoon, on Tuesday, the 19th day of September, A. D. 1905, to sum up the number of votes for and against the by-law.

Dated

Dated and passed at the Council Chamber in the Village of Port Elgin, this 2nd day of October, A. D. 1905.

D. GEDDES,  
Reeve.

(Seal.)

R. MUNRO,  
Clerk.

#### SCHEDULE "A."

SCHEDULE "A" referred to in the foregoing By-law. Showing how the amount of \$538.13 thereby required to be raised annually by special rate is apportioned.

Year.	Principal.	Interest.	Total.
1906	\$223 13	\$315 00	\$538 13
1907	233 17	304 96	538 13
1908	243 67	294 46	538 13
1909	254 63	283 50	538 13
1910	266 09	272 04	538 13
1911	278 06	260 07	538 13
1912	290 58	247 55	538 13
1913	303 65	234 48	538 13
1914	317 32	220 81	538 13
1915	331 60	206 53	538 13
1916	346 52	191 51	538 13
1917	362 11	176 02	538 13
1918	378 41	159 72	538 13
1919	395 44	142 69	538 13
1920	413 23	124 90	538 13
1921	431 83	106 30	538 13
1922	451 26	86 87	538 13
1923	471 56	66 57	538 13
1924	492 78	45 35	538 13
1925	514 96	23 17	538 13

Total principal \$7,000 00

#### SCHEDULE "B."

Articles of Agreement made in duplicate this 11th day of April, one thousand nine hundred and five, between William McVicar, of the Township of St. Edmunds, in the County of Bruce, Timber Dealer, of the First Part, and The Municipal Corporation of the Village of Port Elgin, in the said County of Bruce, of the Second Part.

Whereas the party of the first part has applied to the municipal council of the corporation of the Village of Port Elgin to aid him by way of bonus as hereinafter provided, to establish a saw-mill within the limits of the said corporation;

And whereas it is the intention that such mill shall be built on the shore of Lake Huron at or near the Port Elgin harbour, and that a spur line of railway shall be constructed from the railway station of the Grand Trunk Railway Company at Port Elgin to the mill yard of the party of the first part and through the same;

Now it is hereby agreed between the parties hereto in the manner following, that is to say:

1. The municipal council of the said corporation shall use their best endeavours to have a railway spur line constructed by the Grand Trunk Railway Company of Canada, or by some other person or corporation, from the present track of the Grand Trunk Railway Company at or near its station in the said village to the mill yard proposed to be formed by the party of the first part at or near the shore of Lake Huron at the point aforesaid.

2. The municipal council of the said corporation shall cause to be submitted to the vote of the ratepayers a By-law authorizing the

the granting of aid to the party of the first part in the manner following:

(a) Granting the party of the first part exemption from taxation except school tax, for a period of ten years from the passage of said By-law on the saw-mill to be erected as aforesaid, the land occupied thereby and the mill yard adjoining the same.

(b) To procure to be conveyed to the party of the first part the land required for the erection of such saw mill, and for such mill yard, the area of such land not to exceed five acres.

(c) To contribute the sum of twelve hundred and fifty dollars (\$1,250) towards the costs of purchasing a railway engine at a cost of two thousand dollars (\$2,000), the remaining seven hundred and fifty dollars (\$750) to be contributed and paid by the party of the first part.

3. If the said By-law is duly carried, that the said corporation shall take the necessary steps to have a By-law if possible passed closing up such parts of streets as may be brought within the area of the said proposed mill yard.

4. That if the said money By-law is duly carried, the party of the first part will forthwith proceed to erect at some point on the shore of Lake Huron within the limits of the said corporation, and north of the present dock a suitable saw-mill and equip the same with the necessary machinery and plant for the manufacture of lumber, such saw-mill, machinery and equipment to be of the value of at least five thousand dollars, and to have the capacity and be able to manufacture at least twenty thousand feet of lumber per day of ten hours, and to erect a suitable engine house in which to keep the said engine when not in use; and the party of the first part, his executors, administrators and assigns shall produce satisfactory evidence to the municipal council of the said corporation or a duly appointed committee thereof, that the said saw-mill, machinery and equipment are of the value and have the capacity aforesaid; and the party of the first part shall furnish to the Grand Trunk Railway Company or to such person as shall construct the said spur railway line all suitable (number two) cedar or tamarack ties eight feet long that may be required for the said spur line delivered at Port Elgin wharf at the price of twenty-five cents per tie, and similar ties sixteen feet long at the price of fifty cents per tie, and all ties required for the spur railway line within the area of the said lumber yard without any charge therefor; the said mill to be fully completed and ready to manufacture on or before the first day of September, A. D. 1905, or within one month after the completion of the said line.

5. The said party of the first part before he shall be entitled to receive any of the moneys under the terms of this agreement or such By-law shall execute a mortgage or mortgages to the parties of the second part covering the said saw-mill, machinery and plant, and said mill yard and the said railway engine so to be purchased, with bar of dower if necessary, and the usual statutory covenants, including a covenant to insure for the full insurable value thereof, which mortgage or mortgages shall also contain the following provisions:

(a) That the said party of the first part, his executors, administrators and assigns shall maintain the said saw-mill and carry on business therein for the period of ten years from the date of said mortgage, and shall in each and every of the said ten years at the said Village of Port Elgin, manufacture lumber to the extent of at least two million feet, employing the necessary number of hands for that purpose.

(b) The said party of the first part, his executors, administrators and assigns shall during the said period of ten years and for such longer time as he or they shall carry on business in the said saw-mill, keep and maintain the said railway spur line and said engine in good and sufficient repair.

(c)



(c) That the party of the first part, his executors, administrators and assigns shall during the said period and so long as the said mill is carried on, convey in car load lots merchandise and other materials for parties requiring the same to be conveyed from the dock or wharf on the shore of Lake Huron aforesaid to the said railway station, or from the said railway station to the said dock or wharf, or any other point on said spur line at a price not to exceed the sum per car to be approved by the municipal council of Port Elgin of                      dollars for each car of twenty tons or less, and the price of                      dollars for each car of larger size than twenty tons, and that no charge will be made for hauling the empty car required for such merchandise over the said railway spur line, the party of the first part not to be charged for his own merchandise.

(d) That the said party of the first part, his executors, administrators and assigns shall keep proper books of account of his said business and of the moneys received by him for the haulage of cars as aforesaid, and of the moneys expended by him yearly in repairs to the said engine and railway spur line; and in case the receipts for haulage as aforesaid shall exceed the amount of such expenses for up-keeping, that he shall pay over such surplus to the parties of the second part yearly.

(e) That the said party of the first part, his executors, administrators and assigns shall during the month of December, in each year during the said term of ten years produce satisfactory evidence to the municipal council of the said corporation, or a duly appointed committee thereof, that he has in the preceding twelve months manufactured at the said saw-mill at least two million feet of lumber and has in all other respects performed and complied with the terms of the said By-law so to be submitted, and of the mortgage or mortgages so to be given, and that on failure in performance of or any breach of the conditions mentioned in said By-law, or the said mortgage or mortgages, for a period of one year, or in case the said saw-mill shall be idle for one season, then that the party of the first part, his executors, administrators and assigns shall at once repay to the said corporation the amount expended by them in purchasing the said saw-mill and mill yard sites, closing such streets, passing such By-law, and the purchase of the said engine.

6. The party of the first part for himself, his executors, administrators and assigns, covenants with the said corporation that the said engine will be driven over the said railway spur line in a careful and proper manner; that the whistle will be blown at all crossings as required by the *Canada Railway Act*, and that the same will not be driven at a speed exceeding six miles per hour.

7. The party of the second part further agree to obtain for Mr. McVicar the privilege of booming logs in the harbour, and also such part of the water front as he may require for his purposes.

In witness whereof the party hereto of the first part has hereunder set his hand and seal, and the parties of the second part have caused these presents to be signed by the reeve and the clerk and their corporate seal to be affixed thereto.

Witness:

ALLAN M. BOCK.

(Corporate Seal).

(Seal).

D. GEDDES,  
Reeve.

R. MUNRO,  
Clerk.

WM. McVICAR.

SCHEDULE



## SCHEDULE "C."

Articles of Agreement made in duplicate the 23rd day of August, one thousand nine hundred and five, between William McVicar, of the Township of St. Edmunds, in the County of Bruce, Timber Dealer, of the First Part, and the Municipal Corporation of the Village of Port Elgin, in the County of Bruce, of the Second Part.

Whereas by agreement under seal, dated the 11th day of April, A. D. 1905, the parties hereto of the second part agreed to submit to the ratepayers of the Village of Port Elgin a By-law to grant aid to the party of the first part by way of bonus and otherwise upon certain terms, and upon the performance of certain agreements and conditions to be performed by the party of the first part, more fully set forth in the said agreement.

And whereas it has been agreed between the parties that instead of causing the railway spur line in said agreement mentioned to be constructed, or furnishing land or contributing towards the purchase of a railway engine as in said agreement provided, that the parties of the second part shall submit a By-law to the ratepayers of the said Village of Port Elgin to grant a bonus as hereinafter provided, and that the parties of the second part shall be relieved from the performance of part of the terms of the said agreement, and that the said agreement shall be varied as hereinafter set forth;

Now it is hereby agreed by and between the parties hereto in the manner following, that is to say:

1. The parties hereto of the second part shall be relieved and they are hereby relieved and discharged from the performance of the terms and conditions to be observed and performed by them, as set forth in paragraphs 1, 2, (a, b, and c) and 3, 7 of said agreement.

2. That in lieu of the said paragraphs and the provisions therein contained, the parties of the second part agree that it will cause to be submitted to the vote of the properly qualified ratepayers of the said Village of Port Elgin a By-law authorizing the granting of aid to the party of the first part in the manner following, that is to say:

(a) Granting the party of the first part seven thousand dollars by way of bonus to aid him in the manufacturing industry on the terms in the said agreement set forth and as hereinafter mentioned.

(b) Granting the party of the first part exemption from taxation except school taxes, for the period of ten years from the passage of such By-law on the saw-mill to be erected, and the lands occupied thereby and the mill yard adjoining the same.

3. If the said By-law is duly carried, the parties of the second part agree to finally pass the same and to carry out its provisions.

4. If the said By-law is duly carried, the parties of the second part agree to take the necessary steps to have a By-law passed if possible, closing up such parts of streets as may be brought within the area of the said proposed mill yard.

5. The party of the first part agrees:

(a) That he will form a company and take all the necessary steps to apply for an Act incorporating himself and others as a Spur Line Railway Company, to build a spur railway line from the railway station of the Grand Trunk Railway Company at Port Elgin aforesaid to the dock at the harbour in the said village, as shown by the plans prepared by the engineer of the Grand Trunk Railway Company.

(b) That he will himself or will cause the said company to procure conveyances of the necessary right of way, grade the said right of way as directed by the engineers of the Grand Trunk Railway Company, and furnish the necessary ties ready for the rails to be laid thereon.

(c) That if the said By-law is carried, the party of the first part will forthwith proceed to erect a suitable saw-mill, as provided by the fourth paragraph of the said agreement, of the value therein

specified, the said mill to be fully completed on or before the 15th day of May, A. D. 1906.

(d) That he will execute a mortgage or mortgages to the parties of the second part covering the said saw-mill, machinery and plant, and the railway engine hereinafter mentioned, as provided for by the said agreement.

(e) That he will purchase a railway engine at a cost of \$2,000.00, and use the same for hauling cars along the said railway spur line.

6. The party of the first part covenants with the parties of the second part, that he or the Spur Line Railway Company to be formed, will, during the said period of ten years, and so long thereafter as the said mill is carried on, convey in carload lots merchandise and other materials for parties requiring the same to be conveyed from the dock or wharf on the shore of Lake Huron to the said railway station, and from the said railway station to the said dock or wharf, or to any other points on the said spur line at prices to be approved of by the municipal council of the Village of Port Elgin, and at no greater prices, and that no charge will be made for hauling empty cars required for such merchandise over such railway spur line; and that the said Spur Line Railway Company when formed shall enter into an agreement with the parties of the second part to this effect; and that the said mortgage so to be given shall contain this provision.

7. Except as herein varied or altered, the parties hereto hereby confirm the said agreement.

8. The said party of the first part hereby agrees that such cars shall be hauled by said Spur Line Company over its said line within six working hours after it is notified to haul same.

9. The said party of the first part agrees that he will assign or cause to be assigned to trustee or trustees for the parties of the second part, paid up stock of the said Spur Line Railway Company, to at least ninety-five per cent. of the amount of the capital stock of said company, to be held by said trustees as collateral security to secure the performance of the terms of said mortgage, and that upon the party of the first part ceasing to carry on said saw-mill as above provided that he will assign and transfer and cause to be assigned and transferred to the parties of the second part or trustees for them ninety-five per cent. of the shares or stock in said Spur Line Railway Company (fully paid up) to be held by the parties of the second part or trustees for them absolutely.

10. That in case the party of the first part shall become dissatisfied with the rates or charges that may be paid for the hauling of cars as aforesaid, that such rates or charges shall be fixed by the Judge of the County Court of the County of Bruce upon the application of either party after notice to the other, and the decision of such Judge as to the same shall be final and shall govern for at least five years.

11. It is further agreed that clause seven of said original agreement shall be varied and amended by adding thereto after the word "agree" the words "to use their best endeavours."

And it is further agreed that if the costs of incorporating said Spur Line Railway Company, acquiring land, grading and fencing line and of ties shall prove to be less than \$7,000.00, that the party of the first part shall only be entitled to receive the amount of such actual cost.

In witness whereof the party of the first part has hereunto set his hand and seal, and the parties of the second part have caused these presents to be signed by their clerk and reeve and their corporate seal to be affixed thereto.

Witness:

DAVID ROBERTSON.

(Seal).

WM. McVICAR.

D. GEDDES,  
Reeve.

(Corporate Seal).

R. MUNRO,  
Clerk.

## CHAPTER 119.

## An Act to incorporate the Rondeau, Ridgetown and Wallaceburg Railway Company.

*Assented to 14th May, 1906. .*

**W**HEREAS Benjamin William Willson of the Town of <sup>Preamble.</sup> Ridgetown, in the County of Kent, Grain Merchant; Robert Hamilton of the Town of Ridgetown, in the County of Kent, Contractor; Samuel Stewart of the Village of Thamesville, in the County of Kent, Physician; Herbert David Smith, of the City of Chatham, in the County of Kent, Barrister-at-Law, and David Alexander Gordon of the Town of Wallaceburg, in the County of Kent, Manufacturer, have by their petition prayed for an Act of incorporation under the name of the "Rondeau, Ridgetown and Wallaceburg Railway Company," for the purpose of constructing and operating by electricity a railway from some point in or near the Government Park at Rondeau, in the County of Kent, to or near the Town of Wallaceburg, in the County of Kent, passing through the Township of Howard, to or near the Village of Morpeth, thence to or near the Town of Ridgetown, thence to or near the Village of Thamesville, thence through the Township of Camden, and the Gore of Camden, to or near the Village of Florence, to or near the Town of Dresden, thence through the Gore of Chatham Township to or near the Town of Wallaceburg; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Benjamin William Willson, Robert Hamilton, Samuel Stewart, Herbert David Smith, and David Alexander Gordon and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of the "Rondeau, Ridgetown and Wallaceburg Railway Company." <sup>Incorporation.</sup>

Location of  
line.

2. The said company is hereby authorized and empowered to lay out, construct and operate by electricity a railway from some point in or near the Government Park, Rondeau, in the County of Kent, to a point in or near the Town of Wallaceburg, in the County of Kent, passing through the Township of Howard, to or near the Village of Morpeth, thence to or near the Town of Ridgetown, thence to or near the Village of Thamesville, thence through the Township of Camden and the Gore of Camden to or near the Village of Florence, to or near the Town of Dresden, thence through the Gore of Chatham Township to or near the Town of Wallaceburg.

Capital stock.  
Calls thereon.

3. The capital stock of the company shall be \$1,000,000. No one call thereon shall exceed ten per cent. on the shares subscribed.

Provisional  
directors.

4. The said Benjamin William Willson, Robert Hamilton, Samuel Stewart, Herbert David Smith, and David Alexander Gordon shall be and are hereby constituted a board of provisional directors of the said company.

Head office.

5. The head office of the company shall be at the Town of Ridgetown, in the County of Kent.

Number of  
directors.

6. The number of directors shall not be less than five and not more than nine.

Bonding  
powers

7. The issue of bonds, debentures or other securities by the said company shall not exceed \$25,000 per mile of the railway.

Certain provisions of Ont. Ry. Act, 1906, to apply.

8. All the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the said company and the railway to be constructed under this Act.



## CHAPTER 120.

## An Act respecting The St. Catharines, Pelham and Welland Electric Railway Company.

*Assented to 14th May, 1906.*

**W**HEREAS by an Act passed in the fourth year of His Majesty's reign chaptered 86, intituled "An Act to Incorporate The St. Catharines, Pelham and Welland Electric Railway Company," the time for the commencement of the construction of the said railway was fixed at eighteen months from the passing of the said Act, and the time for its completion within three years from the date of the passing of the said Act; and whereas under the provisions of the by-law of the City of St. Catharines granting certain franchises to the said company, it was, amongst other things, provided that the line of the railway should be carried over the Old Welland Canal by a high level bridge which the said city proposed to construct and a portion of the cost of which was to be borne by the company; and whereas the said city corporation has not as yet commenced the construction of the said bridge and the building of said railway became thereby delayed; and whereas the company are desirous that the time for the commencement and completion of the said railway should be extended by reason of the conditions existing as hereinbefore mentioned; and whereas the said company have by their petition prayed that the time for the commencement of the railway of the said company be extended for eighteen months and the completion thereof for a period of two years from the passing of this Act, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the fourth year of His Majesty's reign, chaptered 86 and intituled "An Act to Incorporate the St. Catharines, Pelham and Welland Electric Rail-  
Extension of time for commencement and completion.

way

way Company," save as herein otherwise provided, is declared to be in force; and the time limited for commencing the railway which the said company is by the said Act authorized to construct is extended for a period of eighteen months from the passing of this Act, and the time for the completion of said railway for a period of two years from the passing of this Act; and if the construction of the said railway is not then commenced, or if the said railway is not finished and put in operation within the time above limited then the powers granted to the said company shall cease and be null and void with respect to so much of the railway as then remains uncompleted.

Certain provisions of Ont.  
Ry. Act, 1906, to  
apply.

2. Notwithstanding anything contained in the said Act of Incorporation, all the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the said company and the railway to be constructed under this Act.

## CHAPTER 121.

## An Act respecting The South Western Traction Company.

*Assented to 14th May, 1906.*

**W**HEREAS the South Western Traction Company was Preamble,  
 incorporated by an Act (hereinafter called the said  
 Act) passed by the Legislature of the Province of Ontario  
 in the second year of the reign of His Majesty King Ed-  
 ward the Seventh, and Chaptered 96 as amended by an Act  
 (hereinafter called the said amending Act) passed in the  
 third year of the reign of His Majesty King Edward the  
 Seventh, and Chaptered 115, and as further amended by  
 an Act passed in the fourth year of the reign of His Ma-  
 jesty King Edward the Seventh, and Chaptered 89, for the  
 purpose of constructing and operating a system of electric  
 railways from, to and between the points set out in the  
 said Acts; and whereas the company has, by its petition,  
 prayed that the time for completing the said proposed rail-  
 way shall be extended, and that the said Act may be amend-  
 ed as hereinafter set out; and whereas it is expedient that  
 the prayer of the said petition should be granted;

Therefore His Majesty, by and with the advice and con-  
 sent of the Legislative Assembly of the Province of Ontario,  
 enacts as follows:—

1. Section 21 of the said Act is hereby amended by strik-  
 ing out the words “and completed within five years.” 2 Edw. VII.,  
 c. 96, s. 21  
 amended.

2. If the construction of that portion of the railway be-  
 tween London and Ingersoll is not completed and put in  
 operation within two years from the date of the passing  
 of this Act, and if the whole of the railway is not completed  
 and put in operation within three years from the passing of  
 this Act, then the powers granted by the said Act, and the  
 said amending Act, and by this Act, shall cease, and be null  
 and void as respects so much of the railway as then re-  
 mains uncompleted. Time of com-  
 pletion of  
 lines.

Crown may use right of way for the transmission of power to municipalities.

3. The Ontario Railway and Municipal Board, upon receiving instructions in that behalf from the Lieutenant-Governor in Council, and the officers, agents and servants of the Board, may at all times enter upon the right of way of the company, and may dig up the same, erect thereon all necessary poles, or lay all necessary conduits, and erect, place and put down all cables, wires and poles for the transmission of electrical or other power from any point in the Province of Ontario to the works and plant of any municipal corporation for the distribution of such power within the limits of the municipality; provided that the track and traffic, wires and poles of the company shall not be injured, removed or otherwise dealt with in the exercise of the powers hereby conferred except under and subject to any agreement which may be entered into between the Lieutenant-Governor in Council and the company.

Ontario Railway Act to govern.

4. Wherever the provisions of the said Act, or of the amending Act, and of *The Ontario Railway Act, 1906*, relate to the same subject matter, the provisions of the said *The Ontario Railway Act, 1906*, shall prevail.



## CHAPTER 122.

An Act respecting The Superior and James Bay  
Railway Company.*Assented to 14th May, 1906.*

**W**HEREAS by an Act passed in the sixty-third year of Preamble.  
Her late Majesty's reign, Chaptered 123, intituled  
*An Act to incorporate The Superior and James Bay Railway  
Company*, the time for the commencement of the construc-  
tion of the said railway was fixed at three years from the  
date of the passing of the said Act, which time has now  
elapsed; and whereas doubts have arisen as to whether the  
work done by way of commencing the said railway was work  
covered by the provisions of the said Act, and the company  
is desirous that such doubts should be removed; and where-  
as the said company has, by its petition, prayed that the  
said Act be revived and the time for the commencement of  
the railway of the company be extended for two years, and  
the completion thereof for four years from the passing of  
this Act; and whereas it is expedient to grant the prayer of  
the said petition;

Therefore His Majesty, by and with the advice and con-  
sent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. The Act passed in the sixty-third year of Her late Ma-  
jesty's reign, Chaptered 123, and intituled *An Act to incor- 63 Vic., c. 123,*  
*porate The Superior and James Bay Railway Company*, so revived.  
far as is not inconsistent with the provisions of *The Ontario  
Railway Act, 1906*, is hereby revived and declared to be in  
force, and the said The Superior and James Bay Railway  
Company is declared to be and to have been from the date of  
the passing of the first mentioned Act an existing corpora-  
tion.

2. The time limited by section 38 of the Act passed in the  
sixty-third year of Her late Majesty's reign, chaptered 123,  
for the commencement of the railway thereby authorized, is  
Time for com-  
mencement  
and completion  
extended.  
extended

extended for a period of two years, and the time therein mentioned within which the said railway should be finished and put in operation, is extended for the period of four years from the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the said company by the said Act of Incorporation, and by this Act, shall cease, and be null and void as respects so much of the railway as then remains uncompleted.

Provisions of  
Ont. Ry. Act,  
to apply.

3. Notwithstanding anything contained in the said Act of Incorporation, all the provisions of *The Ontario Railway Act, 1906*, shall apply to the said company and the railway to be constructed under this Act.

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## CHAPTER 123.

An Act to incorporate the Toronto and North  
Eastern Railway Company.*Assented to 14th May, 1906.*

**W**HEREAS Robert Miller, Importer; Joseph A. Todd, Preamble.  
Merchant, and Robert Pickering Coulson, Publisher,  
all of the Village of Stouffville, in the County of York,  
William Smith, of the Township of Whitby, in the County  
of Ontario, Importer, and William J. Stark, of the City  
of Toronto, in the County of York, Banker, have, by their  
petition, prayed for an Act of incorporation under the  
name of "The Toronto and North Eastern Railway Com-  
pany," for the purpose of constructing and operating "a  
railway from some point near the City of Toronto, in the  
County of York, through the Townships of York, Scarbor-  
ough, Markham and Whitechurch, and through or near the  
unincorporated Village of Unionville and the Villages of  
Markham and Stouffville, in the County of York, and  
through the Townships of Pickering, Uxbridge and Reach,  
and the Town of Uxbridge, and to and through the Town of  
Port Perry, in the County of Ontario; and whereas it is ex-  
pedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:—

1. Robert Miller, Joseph Todd, Robert Pickering Coul-  
son, William Smith, and William J. Stark, and such other Incorporation.  
persons, firms and corporations as shall hereafter become  
shareholders of the said company, are hereby constituted  
a body corporate and politic under the name of "The  
Toronto and North Eastern Railway Company."

2. The said company is authorized and empowered to lay  
out, construct and operate, by steam or electricity, a rail- Location of line.  
way from some point near the City of Toronto to a point in  
or near the Town of Port Perry, in the County of Ontario,  
passing

passing near the City of Toronto, and through the Townships of York, Scarborough, Markham and Whitchurch, and through or near the unincorporated Village of Unionville, and the Villages of Markham and Stouffville, in the County of York, and through the Townships of Pickering, Uxbridge and Reach, and the Town of Uxbridge.

Provisional  
Directors.

3. The persons named in section one of this Act shall be and are constituted a board of provisional directors of the company.

Capital stock.

4. The capital stock of the company shall be \$300,000.

Calls thereon.

No one call thereon shall exceed ten per cent. on the shares subscribed.

Directors.

5. The number of directors shall not be less than five nor more than twelve.

Head Office.

6. The head office of the company shall be at the City of Toronto, in the County of York.

Bonding  
Powers.

7. The issue of bonds, debentures or other securities by the said company shall not exceed \$30,000 per mile of the railway.

Provisions of  
Ont. Ry.  
Act, 1906, to  
apply.

8. All the provisions of *The Ontario Railway Act, 1906*, shall apply to the said company and the railway to be constructed under this Act.



## CHAPTER 124.

## An Act respecting The Toronto and York Radial Railway.

*Assented to 14th May, 1906.*

WHEREAS by chapter 66 of the Statutes of 1898, 61 Preamble.  
 Victoria, the Toronto and York Radial Railway Company hereinafter called the company, was empowered to acquire, as therein provided, the undertakings, railways, franchises, rights, powers, privileges and other real and personal property of the Toronto and Scarboro Electric Railway, Light and Power Company, Limited, the Toronto and Mimico Electric Railway and Light Company, Limited, and the Metropolitan Railway Company, and has so acquired the undertakings, railways, franchises, rights, powers, privileges and other real and personal property of the said companies; and whereas it is desirable to extend the time limited for the construction of the company's railways and to grant the company certain additional powers; and whereas the company by its petition has prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The company may lay out, construct and operate the railways, extensions and branches which the Toronto and Scarboro Electric Railway, Light and Power Company, Limited, the Toronto and Mimico Electric Railway and Light Company, Limited, and the Metropolitan Railway Company were by the Acts relating to such companies empowered to lay out, construct and operate.

Toronto and York Radial Ry. Co. authorized to lay out, construct and operate certain railways.

2. The company may lay out, construct and operate branches or extensions of its railway to a point on the James Bay Railway to the Village of Stouffville and to the Town of Whitby and to the Town of Bowmanville.

Certain extensions authorized.

Certain agree-  
ments not to  
be affected.

3. Nothing in this Act contained shall in any wise revive or affect any agreement between the corporation of the City of Toronto or any municipal corporation and the company, or between the said corporation or corporations and the Toronto and Scarboro Electric Railway, Light and Power Company, Limited, the Toronto and Mimico Electric Railway and Light Company, Limited, the Metropolitan Railway Company, the Toronto Railway Company, or any or all of said companies, nor enlarge or impair any right, obligation or liability accrued, accruing or established under any such agreement; nor shall anything in this Act have the effect of reviving any rights or powers heretofore possessed by any of the said companies within the City of Toronto which have expired.

Mortgages  
securing bonds.

4. Notwithstanding anything in the Acts relating to the company contained the company may secure the bonds by mortgage deeds creating such mortgage charges or incumbrances upon the whole or any part of such property, assets, rents and revenues of the company, present and future, or both, as shall be described in such deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway, and by any such deed the company may grant to the holders of bonds or to the trustee or trustees named in such deed, all and every the powers and remedies granted by the said Acts in respect of the company's bonds and all other powers and remedies not inconsistent with this Act, or may restrict the bond holders in the exercise of any power, privilege or remedy granted by the said Acts, as the case may be; and all such powers, rights, and remedies as shall be so contained in such mortgage deed shall be valid, binding and available to the bondholders in manner and form as therein provided.

When Trustees  
authorized to  
release chattels  
and lands from  
mortgages  
securing bonds.

5. Any lands or chattel property which have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favour of the said bondholders.

Purchasing,  
leasing and  
selling lands  
suitable for  
market or park  
purposes.

6. The company may purchase, lease or acquire and hold for any estate in the same, and may sell, lease, alienate, or mortgage any lands or premises intended and necessary or suitable for market or park purposes, but no lands shall be so purchased, leased or acquired for market purposes within the limits of the City of Toronto without the consent of The Ontario Railway and Municipal Board.

7. The railways mentioned in the Acts relating to the Toronto and Scarboro Electric Railway Light and Power Company, Limited, the Toronto and Mimico Electric Railway and Light Company, Limited, and the Metropolitan Railway Company and in this Act shall be constructed and put in operation within five years from the passing of this Act otherwise the powers granted for such construction shall cease and be null and void with respect to so much of the said lines as then remains uncompleted.

Time for completion and operation of railways mentioned in certain Acts.

## CHAPTER 125.

## An Act to amend the Act incorporating the Western Central Railway Company.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the Western Central Railway Company, hereinafter called "the company," has under its Act of incorporation, being Chapter 109 of the Acts passed in the fifth year of the reign of His Majesty King Edward VII., power to construct its railway from the city of London to the city of Guelph, and it has by its petition prayed for authority to extend the railway from the city of Guelph passing through the townships of Guelph and Puslinch in the county of Wellington, the townships of Nassagaweya and Esquesing in the County of Halton, the Townships of Chinguacousy, Toronto and Gore of Toronto in the County of Peel, and the Townships of Etobicoke and York in the County of York to the City of Toronto; with a branch from a point on the main line of railway already authorized at or near the Town of Berlin passing through the Townships of Waterloo, Woolwich and Wellesley in the County of Waterloo, and the unincorporated Village of Heidelberg to the unincorporated Village of Wellesley; to increase its issue of bonds, and otherwise to extend the company's powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of  
line of railway  
authorized.

1. The company may lay out, construct and operate a continuation of its main line of railway from the City of Guelph, passing through the Townships of Guelph and Puslinch in the County of Wellington, the Townships of Nassagaweya and Esquesing in the County of Halton, the Townships of Chinguacousy, Toronto and Gore of Toronto in the County of Peel, and the Townships of Etobicoke and York in the County of York, to the City of Toronto; with a branch from a point on the main line of railway



railway already authorized at or near the Town of Berlin, passing through the Townships of Waterloo, Woolwich and Wellesley in the County of Waterloo, and the unincorporated Village of Heidelberg to the unincorporated Village of Wellesley.

2. Section 24 of the Act passed in the 5th year of His Majesty's reign, chaptered 109, is repealed.

5 Edw. VII.,  
c. 109, s. 24,  
repealed.

3. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, if the construction of the railway and of the extension and branches mentioned in the company's Act of Incorporation and in this Act is not commenced and \$250,000 is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted by the company's said Act of Incorporation and by this Act shall cease, and be null and void as respects so much of the railway as then remains uncompleted.

Time for com-  
mencement  
and comple-  
tion.

4. Section nineteen of the said recited Act is amended by substituting "\$30,000" for "\$25,000" in the fifth, eighth, fifteenth and sixteenth lines of the said section and by adding the following words to the end of the said section:—"Provided that, should the company double track its railway or acquired railways, additional bonds, debentures or other securities not exceeding \$15,000 for each mile of railway so double tracked may be issued by the company.

5 Edw. VII.,  
c. 109, s. 19,  
amended.

Bonding  
powers.

5. Notwithstanding anything contained in the said Act of Incorporation, all the provisions of *The Ontario Railway Act, 1906*, applicable to railways to be operated by electricity, shall apply to the said company and the railway to be constructed under this Act.

Certain pro-  
visions of  
Ont. Ry. Act  
to apply.

## CHAPTER 126.

## An Act respecting The Anglo-American Fire Insurance Company.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS the Anglo-American Fire Insurance Company has by petition set forth that the company was incorporated by Letters Patent under the Great Seal of Ontario, dated the sixteenth day of March, one thousand eight hundred and ninety-nine, issued pursuant to *The Ontario Insurance Act*, with an authorized capital stock of \$1,000,000 divided into 10,000 shares of \$100 each hereinafter called "old shares," and that the amount of such capital stock subscribed for is \$432,700, and that the amount paid in on such subscribed capital stock is \$223,610, and that owing to exceptional losses from conflagrations the paid up capital stock of the company has become impaired, and that it is necessary to reduce the capital stock of the company as hereinafter set forth, and that the shareholders of the company having had notice of the proposed reduction of the capital stock have in general meeting approved of the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Capital stock.

1. Notwithstanding anything contained in the said Letters Patent incorporating the company the capital stock of the Anglo-American Fire Insurance Company shall on and from the passing of this Act be \$1,000,000 divided into 25,000 shares of the par value of \$40 each, hereinafter called "new shares."

Substitution of  
"new shares"  
for "old  
shares" and  
cancellation of  
"old shares."

2.—(1) On and from the passing of this Act each shareholder of the Company shall be deemed to be and shall be the holder of as many "new shares" in the capital stock of the Company as at the passing hereof he holds "old shares"

shares" therein and, except in relation to creditors and policy holders of the Company as hereinafter provided, all "old shares" held by any shareholder shall be deemed to have been surrendered and cancelled.

(2) On the "new shares" thus substituted for "old shares" there shall be deemed to have been paid in to the company forty per cent. of the amount which was paid into the Company upon the corresponding "old shares" and the holder of each such "new share" shall be liable to the Company for the difference (if any) between forty dollars and the amount so deemed to have been paid on such "new share"; provided if at the passing of the Act any shareholder is in default of payment of a call or calls made on the old shares nothing herein contained shall diminish or otherwise howsoever affect the liability of such shareholder to the Company in respect of the said call or calls.

What proportion of amount paid on "old shares" to be credited on "new shares."

3. Nothing herein contained shall be deemed to diminish the liability (if any) of any shareholder in respect of the "old shares" to any person who immediately prior to the passing of this Act was a creditor or the holder of a policy unexpired at the passing hereof; but any payment made to the Company upon a substituted new share shall reduce the liability of such shareholder by the amount of such payment.

Rights of creditors and policy holders not affected.

4. The directors may from time to time make such calls on "new shares" as they think fit (not in any case exceeding the amount remaining unpaid on any new share) whether such shares are substituted shares or new shares to be hereafter issued; such calls shall be payable at such times and places and in such payments or instalments as the directors appoint; provided that no call shall exceed ten per cent, and that not less than thirty days' notice of any call shall be given. Provided that no call shall be made on the substituted shares until the holders of new shares have been called upon to pay fifty per cent. of the shares subscribed for by them respectively.

Calls on "new shares."

5. The Company may from time to time issue at the par value of forty dollars per share the whole or any portion of the unsubscribed capital stock of the Company and may also issue or re-issue new stock of the Company to the amount by which the subscribed capital stock has been reduced by this Act; but the whole capital stock of the Company shall not exceed at any time the sum of one million dollars.

Issue of stock at \$40 per share.

6. Every new issue of the capital stock of the Company shall first be offered for subscription to the then shareholders.

New issue to be offered to shareholders.

holders

holders in proportion as nearly as possible to their then respective holdings; and all shares of the capital stock of the company shall rank *pari passu*.

No shares to be  
issued less  
than par.

7. No shares of the capital stock of the Company shall be issued or allotted by the Company at a less price than par.



## CHAPTER 127.

## An Act to incorporate The Bell Telephone Memorial Association.

*Assented to 14th May, 1906.*

**W**HEREAS His Royal Highness, the Prince of Wales, Preamble.  
 His Excellency The Earl Grey, Governor-General of Canada; His Excellency The Earl of Minto, Governor-General of India; The Rt. Hon. The Earl of Stamford, Governor of the New England Company; The Hon. W. Mortimer Clark, Lieutenant-Governor of Ontario; The Hon. J. P. Whitney, Premier of Ontario; The Hon. George W. Ross, M.P.P.; Sir Thomas G. Shaughnessy, President of the Canadian Pacific Railway; and The Right Honourable The Earl of Strathcona, have consented to become patrons of the association formed for the purpose of erecting a suitable memorial perpetuating the memory of Alexander Graham Bell, inventor of the telephone; and whereas it is expedient to incorporate the said association;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. W. F. Cockshutt, M.P.; Lloyd Harris, W. Norman Incorporation.  
 Andrews, Edward L. Goold, M. K. Halloran, George Kipax, George H. Muirhead, T. H. Preston, M.P.P.; F. Douglas Reville, Alfred J. Wilkes, K.C.; Charles H. Watrous, John Muir, George Hately and such others as may hereafter become subscribers to the fund to be formed for the purposes aforesaid, shall be and are hereby incorporated and made a body corporate and politic, as an association, under the name of The Bell Telephone Memorial Association, for the purpose of making such contracts and entering into such agreements and arrangements as may be necessary for the purpose of constructing, erecting, building and keeping in repair a monument and such other memorial perpetuating the memory of Alexander Graham Bell, inventor of the telephone, at the City of Brantford, in the County of Brant, and elsewhere in the County of Brant, with the right  
 to

to the said association to sue, subject to the liability being sued, in respect of any such contracts, agreements, arrangements, monument and memorial works and premises.

Board of directors.

2. The affairs of the association shall be managed by a board of not less than five, and not more than fifteen directors, unless the by-laws of the association otherwise provide.

Directors—  
First Board.

3. The following named persons shall be the directors of the association until replaced by others, duly appointed, in their stead, namely: W. F. Cockshutt, M.P.; Lloyd Harris, W. Norman Andrews, Edward L. Goold, M. K. Halloran, George Kippax, George H. Muirhead, T. H. Preston, M.P.P.; F. Douglas Reville, A. J. Wilkes, K.C.; Charles H. Waterous, John Muir and George Hatley.

Directors to be subscribers.

4. No person shall be elected or appointed as a director hereafter unless he is a subscriber.

Directors after first Board.

5. After directors of the association shall be elected by the subscribers in general meeting of the association, assembled at the City of Brantford, at such time and in such manner, for such terms, not exceeding two years, as the by-laws of the association prescribe.

Election of directors.

6. In default of, and until other express provisions in such behalf by by-laws of the association are made:

(1) Such election shall take place, all members of the board retiring, and, if otherwise qualified, shall be eligible for re-election.

Notice of meetings.

(2) Notice of the time and place for holding the general meetings shall be mailed to each subscriber, at least five days previously thereto.

Voting.

(3) At all general meetings of the association every subscriber to the extent of five dollars shall be entitled to one vote, and to one vote additional for every additional ten dollars' subscription, but in no case shall one person be entitled to more than ten votes, and any subscriber may vote by proxy, and any corporation or municipality being a subscriber shall be entitled to be represented and to vote by and through its chief executive officer.

Vacancies in Board.

(4) Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term by the board from among the qualified subscribers of the association.

President.

(5) The directors shall, from time to time, elect from among themselves a president of the association, and shall also name and may remove at pleasure all other officers thereof.

(6) The treasurer of the association shall give such security as the board of directors may, from time to time, direct.

Treasurer  
to give  
security.

(7) If at any time an election of directors is not made or does not take effect at the proper time, the association shall not be held to be thereby dissolved, but such election may take place at any general meeting of the association duly called for that purpose, and the retiring directors shall continue in office until their successors are elected.

When election  
not held at  
proper time.

(8) The directors shall have full power in all things to administer the affairs of the association, and may make or cause to be made any description of contract which the association may by law enter into.

Powers of  
directors.

(9) The directors may, from time to time, make such by-laws, not contrary to law, as they may deem necessary for the proper regulation of the association.

By-laws.

(10) Five of the subscribers to the association shall at all times have the right to require the president or chairman to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Special meet-  
ings.

(11) The association may enforce payment of all subscriptions by action in any court of competent jurisdiction, and in such cases it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a subscriber, and is indebted in the sum of money in respect of such subscription whereby an action has accrued to the association under this Act, and a certificate under the seal and purporting to be signed by any officer of the association to the effect that the defendant is a subscriber, and that so much is due and unpaid by him thereon, and that the same has been demanded, shall be received in all courts as *prima facie* evidence of that effect.

Enforcing pay-  
ment of sub-  
scriptions.

(12) No subscriber, his executors or administrators, shall be liable either to the said association or any creditor or creditors thereof for or on account of liabilities thereof, beyond the amount unpaid on his subscription.

Subscribers not  
liable beyond  
unpaid amount  
of subscrip-  
tions.

(13) The word "subscriber" shall mean in this Act any person or persons, or corporations, who shall have given, donated or subscribed to the funds of the association the sum of \$5.00 or upwards.

Who to be  
deemed  
subscribers.

(14) It shall and may be lawful for the council of any municipality by by-law, and without submitting such by-law to the vote or for the assent of the ratepayers, to grant such sums, not exceeding \$5,000 in the City of Brantford, \$2,000 in other cities, \$500 in towns and counties, and \$200 in townships to said association for the purpose of contributing.

Municipal  
grants.

buting to the fund to be raised for the purposes aforesaid, either in money or by the issue of debentures, at such dates and for such amounts and at such rates of interest as may be deemed advisable by such municipal councils.

Agreement  
with Park Com-  
missioners of  
Brantford.

7. The said association may enter into such agreements with the park commissioners of the City of Brantford, in connection with the site for and erection of a monument within the said city, and may acquire the Bell homestead, in the Township of Brantford, and enter into such contracts or agreements as may be necessary to maintain and keep in repair the said monument and homestead property, or may enter into such agreements with the municipalities of the City of Brantford and the Township of Brantford in respect to both the said monument and property, or either of them, as may be deemed advisable, and such municipalities are hereby authorized to enter into any agreements aforesaid.



## CHAPTER 128.

An Act respecting the Birkbeck Loan Company of  
London, Canada.

*Assented to 27th April, 1906.*

**W**HEREAS by an order of the County Judge of the County of Middlesex, bearing date the twenty-ninth day of April, in the year of our Lord one thousand nine hundred and five, made under *The Joint Stock Companies Winding-up Act* (being Chapter 222 of the Revised Statutes of Ontario, 1897), the Birkbeck Loan Company of London, Canada (hereinafter called the loan company), was placed in liquidation; and whereas the London and Western Trusts Company, Limited (hereinafter called the liquidator), was subsequently on the twenty-sixth day of May, 1905, appointed permanent liquidator, by the shareholders of the said loan company in general meeting called and held under the provisions of the said Act; and whereas the said loan company was incorporated under *The Building Societies Act* (being Chapter 169 of the Revised Statutes of Ontario, 1887), and issued both permanent and terminating shares; and whereas difficulties have arisen as to the distribution of the net amount realized and to be realized from the assets (after the payment of the claims of creditors and the costs of and incidental to the liquidation), as between the various classes of shareholders; and whereas an arrangement, subject to confirmation by legislation, was provisionally entered into by way of compromise with the approval of the County Judge of the County of Middlesex (hereinafter called the county judge) and notice of the said compromise was on or about the twentieth day of September, 1905, mailed to each shareholder permanent or terminating of the said loan company at his last known address, and the great majority of the said shareholders either in writing assented to, or did not dissent from, the said compromise; and whereas it is desirable to confirm the said compromise with a view to preventing long and expensive litigation and to enable the liquidator to wind up the said company and distribute the assets thereof without delay.

Preamble.

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Liquidator to file a report of the liquidation.

1.—(1) The liquidator shall, within two months after the passing of this Act, unless by special leave of the County Judge of the County of Middlesex, further time is allowed, file with the Clerk of the County Court of the said County a report of the liquidation, which report is to be made to the said county judge.

Report to set out certain matters.

(2) In addition to any other matters directed by the said judge to be shown or reported on, the said report shall set out the following matters in detail:—

(a) Under the title assets: the several assets of the said loan company as at the commencement of the liquidation; the respective amounts realized thereon; also the several assets (if any) remaining unrealized at the date of the report, with their respective values.

(b) Under the title liabilities: the several liabilities of the said loan company (other than the liabilities to shareholders) as at the commencement of the liquidation, distinguishing the liabilities discharged by the liquidator from those (if any) remaining undischarged at the date of the report.

(c) Under the title receipts: all moneys taken over by the liquidator at the commencement of the liquidation; also all moneys subsequently received; and from whom and when and on what account.

(d) Under the title expenditure: all moneys disbursed by the liquidator, to whom, and when, and for what debts, costs or services; also the balance of money remaining unexpended, and where and to whose credit the said balance is deposited.

Report to state what moneys are available for distribution among the shareholders.

(3) The said report shall further show, after providing for the costs of liquidation and of procuring this Act, and after full payment of creditors (not classing shareholders among creditors) what moneys are available for distribution among the shareholders, terminating and permanent, as hereinafter provided.

Schedules of shareholders.

(4) To the said report the liquidator shall annex two schedules of shareholders, which may be known respectively as Schedule "A" and Schedule "B."

Schedule A.

(5) Schedule "A" shall show as at the date of the said report, the names and addresses of all holders of terminating shares, and the kind and number of terminating shares held

held by each holder respectively, and the liability of the said loan company to him in respect of such shares. No holder of terminating shares in the said loan company shall after the passing of this Act be called upon or be liable to make any further or other payment on such shares than the payments theretofore made, but he shall be treated as holding full paid-up stock for the amount then standing at the credit of his account in the books of the said loan company.

(6) Schedule "B" shall show, as at the date of the said report, the names and addresses of all holders of fully paid-up permanent shares in the said loan company; provided that in the case of permanent shares found by the said county judge to have been issued illegally, or in breach of trust, the original holder or any transferee with notice shall not in respect of such shares be entitled to rank for purposes of any distribution of asset, notwithstanding that such shares are shown on the books of the said loan company as having been fully paid up. Schedule B.

Provided also that every holder of permanent shares which are not fully paid up shall be liable to the liquidator for the amount not paid. Proviso.

2. Upon hearing the said report and after settling the schedules of distribution showing the particulars required by subsections 5 and 6 of section 1 of this Act, and also the amount payable to each shareholder respectively, the county judge may from time to time order that the amount shown to be available for distribution among shareholders be distributed according to the said schedules; provided that, as between shareholders found by the county judge entitled to participate in the distribution, the holders of terminating shares and the holders of permanent shares shall in any distribution of assets rank *pari passu* and take accordingly. Judge's order for distribution.

3. Nothing herein contained is intended to relieve or shall relieve from liability any director or other person who at the passing hereof was liable by reason of any illegal act or of any breach of trust. No relief from liability for illegal act or breach of trust.

4. After the said distribution has been made among shareholders, and the other proceedings in the winding-up have been completed, the liquidator shall bring in and pass his accounts, after which the county judge may order the discharge of the liquidator. Passing of liquidator's accounts.  
Discharge of liquidator.

5. Except as herein expressly provided, nothing herein contained shall interfere with, prejudice or impair the power of the county judge under the said *The Joint Stock Companies Winding-up Act*. Powers of County Judge under Rev. Stat. c. 222 reserved.

## CHAPTER 129.

An Act respecting the City Gas Company of London.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the City Gas Company of London is a corporation incorporated under the provisions of Chapter 65 of the Consolidated Statutes of Canada, for the purpose of supplying the City of London, Ontario, with gas, and the powers of the said company were afterwards extended by the provisions of the Act of the Legislature of Ontario, passed in the 35th year of Her late Majesty's reign, entitled "An Act respecting the City Gas Company of the City of London;" and whereas by an Act passed in the 45th year of Her late Majesty's reign, Chaptered 73, and entitled "An Act to amend the present Acts of Incorporation of the City Light and Heating Company of London," the name of the said City Light and Heating Company of London was changed to the City Gas Company of London, and authority was conferred upon the said company to increase the capital stock of the said company to the sum of \$250,000; and whereas the powers of the said company were further extended by the provisions of the Act of the Legislature of Ontario, passed in the 46th year of Her late Majesty's reign, entitled "An Act respecting the City Gas Company of London and the London Gas Light Company;" and whereas under the provisions of the said Act Chaptered 73 the capital stock of the said company was by a vote of the shareholders increased to the sum of \$250,000; and whereas the said company has by petition prayed that an Act be passed to grant to the said company authority to change the par value of its stock, which now consists of 12,500 shares of the par value of \$20 each, of which 12,000 shares have been issued, so that each shareholder shall receive one share of the par value of \$100 for each 5 shares of the par value of \$20 now held by him; and whereas the said company have further petitioned to be allowed to increase its capital stock from time to time for the purpose of making permanent improvements and additions to its plant as necessity may require for the purpose of supplying the said City of London with gas; and whereas it is expedient to grant the prayer of the said petition;

Therefore



Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said company to convert its present paid up capital of \$240,000, made up of 12,000 shares of \$20 each into 2,400 shares of the par value of \$100 each, giving to each shareholder one share for each five shares held by him and fractional shares for the balance to which he would be entitled.

Conversion of shares of paid-up capital into \$100 shares.

2. It shall be lawful for the said company to increase its capital stock from time to time as may be necessary for the purpose of providing for additions to its permanent properties and plant so that the total capital of the said company may equal, but shall not exceed, \$400,000. The said stock so issued from time to time shall be allotted to the stockholders *pro rata* at par upon such terms of payment as the by-laws creating such additional capital, may direct, and such stockholders shall have a right to accept their proportion of the said allotment or to assign or transfer their right thereto, and the directors shall by by-law provide for the sale or disposal of such shares of such additional stock as may not be accepted or paid for according to such terms; provided, however, that no change shall be made in the value of the said shares, and no such additional stock shall be issued until the issue thereof shall be sanctioned by a meeting of the shareholders of the company to be specially called for the purpose.

Increase of capital stock.

3. Every person subscribing for or taking any share in such additional capital stock shall have the same rights and be subject to the same provisions, rules and liabilities, except as herein otherwise provided, as the original subscribers and shareholders of the said company, and the various clauses of the Acts relating to the said company applicable to the shares and shareholders of the said company shall apply to the shares hereby authorized to be issued or subscribed for except so far as the same may be inconsistent with the provisions hereof.

Rights of subscribers for shares in added capital stock.

4. Nothing herein contained shall affect the qualification of the present directors of the company, who may continue to act until the next general annual meeting of the company, and until their successors are elected.

Qualification of present directors not affected.

5. It is hereby declared that the "City Gas Company, of London," are subject to and bound by the agreement bearing date the 8th day of September, A.D. 1879, and made between The City Steam Heating Company and The Corporation of the City of London (a copy of which is hereto

City Gas Co. of London subject to terms of agreement set out in Schedule A."

hereto annexed as Schedule "A"), in the same manner, and to the same extent in all respects, as if the words the "City Gas Company of London" were inserted in the said agreement, wherever the words "The City Steam Heating Company" occur therein, and that the provisions of the said agreement shall apply to and govern the said company not only as to the laying down of pipes and the doing of the other work, for conducting steam, hot air and hot water for the purposes of the said company, but also as to the laying down of any pipe or pipes, and the doing of any work, for any other purpose of the said company.

Company to  
reduce price of  
gas to 95 cents  
on July 1st,  
1906.

6. The said company shall, on the 1st day of July, A.D. 1906, reduce the price of gas to all consumers, within the limits of the said City of London, as now existing or hereafter extended, to ninety-five cents per thousand cubic feet of gas, whether used for illuminating purposes or otherwise, that is to say, the said company may charge one dollar and twenty cents for each thousand cubic feet of gas, subject, however, to a discount of twenty-five cents per thousand cubic feet to which the consumer will be entitled if the amount due by such consumer be paid within twenty days after the same becomes due, and shall continue to sell gas to all such consumers at the said rate and not at any greater rate, for a period of five years from the 1st day of July, A.D. 1906.

Company to  
reduce price of  
gas to 90 cents  
on July 1st,  
1911.

7. The said company shall on the 1st day of July, A.D. 1911, reduce the price of gas to all consumers within limits of the said City of London, as now existing or hereafter extended, to ninety cents net per thousand cubic feet of gas, whether used for illuminating purposes or otherwise, that is to say, the said company may charge one dollar and twenty cents for each thousand cubic feet of gas, subject, however, to a discount of thirty cents per thousand cubic feet, to which the consumer will be entitled if the amount due by such consumer be paid within twenty days after the same becomes due, and shall continue thereafter to sell gas to all such consumers at a rate not greater than the said rate.

Reduction of  
meter rents  
after July 1st,  
1906.

8. The said company shall on the 1st day of July, A.D. 1906, reduce the meter rents, upon all three light and five light meters, within the limits of the said City of London, as now existing or hereafter extended, to ten cents per month instead of twenty cents per month where that rate is now charged therefor, and to twelve cents per month instead of twenty-five cents per month where that rate is now charged therefor, and shall also at the same time reduce all other meter rents to one-half of the amounts charged therefor for the month of March, A.D. 1906, and shall continue to charge thereafter to all consumers within  
the

the said limits for meter rent not more than the said reduced rates, for each three or five light meter.

9. It shall be lawful for the said City Gas Company to borrow on debentures or bonds, either without security or secured by mortgage, or other real or personal security, any sum or sums, not exceeding in the whole, \$250,000, at such rate of interest, and upon such terms and conditions as the company may deem advisable, and, if so agreed, to secure the moneys so borrowed as the company may determine on all or any part of their estate, real or personal property or both, and all moneys so borrowed or raised shall be applied to the purposes of the company, and if after having borrowed the whole or any part of such money, the company pay off the same, or any portion thereof, it shall be lawful for the company again to borrow the amount so paid off, and so on from time to time to borrow or re-pay as occasion shall require. Provided that the total indebtedness of the company for moneys borrowed under this section shall not at any time exceed the sum of \$250,000. Provided always that the consent of three-fourths in value of the stockholders of the company, present or represented by proxy, at a special meeting to be called and held for that purpose, shall be obtained before the powers authorized by this section are exercised.

Issue of bonds or debentures to \$250,000 authorized.

10. The bonds or debentures authorized to be issued either with or without security as aforesaid, shall be personal estate, and shall rank and be entitled to be paid proportionately to the amounts secured thereby, and no bond or debenture shall have priority or preference over another by reason of the priority of the date of any such bond or issue, or of the meeting at which the same was authorized or otherwise howsoever, and such bonds or debentures shall be in such form and payable to bearer, or otherwise at such date or dates and with or without interest, as the directors may determine from time to time. Provided further, that notwithstanding the said mortgage and charge (if any) the company may, so long as there shall be no default in payment of the interest upon any of such borrowed money, sell any surplus lands or other property of the company, not then required for the use of the company, and give a good title thereto to the purchaser or purchasers thereof, free from all incumbrances in respect of the money so borrowed, and may apply the proceeds of such sale to the purposes of the company, and in the event of a mortgage being given to any trustee or trustees to secure the payment of said bonds or debentures, such trustees shall, if required by the company, join in the conveyance of the said surplus lands or other property to the purchaser or purchasers thereof, for the purpose of releasing the same from said mortgage.

Bonds or debentures to be personal estate, etc.

Total annual  
value of lands  
of Company not  
to exceed  
\$10,000.

11. The total yearly value of the lands and real property to be held by the company, for the purpose of its business at any one time shall not (over and above the value of the works erected thereon) exceed \$10,000.

#### SCHEDULE "A."

This Indenture, made the eighth day of September, in the year of our Lord one thousand eight hundred and seventy-nine, between the City Steam Heating Company (hereinafter called the Company) of the First part, and the Corporation of the City of London (hereinafter called the Corporation) of the Second part.

Whereas the company has been incorporated under the provisions of *The Act respecting the Incorporation of Joint Stock Companies by Letters Patent*, chapter one hundred and fifty, of the Revised Statutes of Ontario, for supplying steam, hot air or hot water for power and heating purposes in the City of London and its suburbs;

And whereas the company has applied to the corporation for authority to lay down the necessary pipes for conducting steam, hot air or hot water for the purposes of the Company through the streets, highways and public places of the city, and the corporation has agreed to grant such authority upon and subject to the conditions contained in this agreement;

Now this Indenture witnesseth that it is agreed by and between the said company and the said corporation in the manner following, that is to say:

1. That the said company shall not break, dig or tear up any **pavement, macadam or other road surface**, or make any excavation in or under any of the streets, highways or public places within the city for the purpose of laying down the said pipes or repairing or maintaining them or otherwise in connection with their works or operations, without giving twenty-four hours' previous notice in writing to the city engineer, specifying therein the part of the street or highway which it is proposed to break, dig or tear up, or in or under which it is proposed to make any excavations.

2. That the said company shall perform all the work which it shall do in or under any street or highway within the city under the supervision of the city engineer, and shall lay its pipes at such depth, in such portion of the street or otherwise as the city engineer may deem necessary or expedient in order to prevent unnecessary injury to the streets and highways or danger to the public, and shall not in any way interfere with any sewer or drain, water, gas or other pipe which may be laid therein.

3. That the said company shall not break, dig up or open any of the said streets, highways or public places for the purpose of **laying down, repairing or maintaining its pipes**, or for any other purpose connected with the carrying on of its operations at a time when the city engineer shall notify the said company in writing not to do so.



4. That the said company shall not break, dig up or open or keep open more of the streets or highways of the said city at any one time than the city engineer shall deem it expedient to be so broken, dug up or opened at one time, and shall not keep the same open for a longer period than is absolutely necessary to perform the work which is being performed and not after the lapse of such period as the city engineer shall by any notice in writing direct.

5. That the company shall, while any work is in progress in any of the streets, highways or public places within the city, keep and maintain such barriers, watchmen and lights and take such other care and precaution as may be necessary or the city engineer may require for the protection and safety of the public and of property.

6. That the said company shall, without any unreasonable delay and to the satisfaction of the city engineer, repair and make good the streets, highways and public places which they shall break, dig up or open for any of the purposes aforesaid or injure in so doing.

7. That the said company shall make good to any person who shall be injured either in person or property, by or through the negligence of the said company in the construction, repair, maintenance or operation of its works, the loss and damage sustained by him, and shall indemnify and save harmless the corporation from all actions, suits, claims and demands which may be brought or prosecuted against the corporation in consequence of any act, default or omission of the company or of the exercise by the company of any of the rights conferred by the by-law authorizing the execution of this agreement.

8. That if the said company shall neglect to repair or make good any street, highway or public place which shall be broken, dug up or opened in or for the construction, repair or maintenance of its works, or in or for the carrying on of its operations, within such time as the city engineer shall in writing appoint for that purpose and to the satisfaction of the said engineer, or if the said company shall omit to do any other act or thing which by the terms of this agreement or otherwise it ought to do in or in connection with the breaking, digging up or opening of any of the streets, highways or public places within the city for the purposes aforesaid or any of them, the same may be done by the corporation, and the amount which the said engineer shall certify to be the cost thereof shall be paid by the company to the corporation within ten days after the certificate of the engineer shall be served upon them, and if the same shall remain unpaid for the period of three months after the expiration of the said period of ten days, all the rights and powers conferred upon the said company by the said by-law shall at the option of the corporation be revoked, and the said by-law may be repealed.

9. That the company shall also observe all such further and other regulations as the council of the said corporation shall from time to time adopt for the laying down of the pipes or in connection with the construction, maintenance or repair of the works, or with the carrying on of the operations of the said company in the streets, highways or public places within the city or otherwise, for the safety and protection of the public in the exercise of the power conferred by the said by-law and the Act passed in the forty-second year of Her Majesty's reign, intituled *An Act respecting Steam and Heating Companies*.

10. That any notice required to be served upon the company may be served by mailing the same at the London Post Office, addressed to the company by its corporate name aforesaid, or by leaving the same at the office or place of business of the company.

11. That the company shall at all times, upon request, make out and deliver to the corporation or any of its officers who may be authorized by it to demand the same, a statement in writing of the names and residences of the several stockholders of the said company, the amount of stock held by them respectively and the amount paid thereon.

In witness whereof the said company hath caused to be affixed its corporate seal and the president thereof hath set his hand, and the mayor of the said city hath set his hand and caused to be affixed the corporate seal of the said city the day and year first above written.

Signed, sealed and delivered

in the presence of

WM. BOWMAN,

President City Steam Heating Company.

(L. S.)

THOMAS DROUGHT,

for President Bowman. R. LEWIS,

Mayor.

(L. S.)

## CHAPTER 130.

## An Act respecting The Huron and Erie Loan and Savings Company.

*Assented to 27th April, 1906.*

WHEREAS the Huron and Erie Loan and Savings Com-  
pany (hereinafter referred to as The Amalgamated  
Corporation) has by its petition set forth that The Huron  
and Erie Loan and Savings Company and the Canadian  
Savings and Loan Company of London, Canada, being  
corporations duly incorporated as permanent loan com-  
panies under the law of the Province of Ontario, and being  
loan corporations within the meaning of, and duly regis-  
tered under *The Loan Corporations Act*, Chapter 205 of  
the Revised Statutes of Ontario, 1897, acting through  
their respective directors, under the provisions of the said  
last mentioned Act in that behalf, on or about the twenty-  
fourth day of October, A.D. 1905, entered into and exe-  
cuted under their respective corporate seals a provisional  
agreement (a copy of which is set out in the schedule here-  
to) for the union, merger, amalgamation and consolidation  
of the said two contracting corporations upon the terms and  
conditions in the said agreement set forth; and that the  
provisions of the said *The Loan Corporations Act* in that  
behalf were thereupon duly complied with, and the said  
agreement was at respective meetings of the shareholders  
of the said two contracting corporations, held separately  
on the seventh day of December, A.D. 1905, duly ratified  
and accepted by resolutions of the shareholders of the said  
respective corporations; and that the said agreement was  
thereafter, by Order-in-Council dated the twenty-ninth  
day of December, A.D. 1905, duly approved by the Lieu-  
tenant-Governor in Council; and that, subsequently, pur-  
suant to the provisions of the said Act, on the tenth day  
of January, A.D. 1906, the Attorney-General for Ontario  
did duly issue a certificate under his hand and seal certi-  
fying the said assent of the Lieutenant-Governor in Coun-  
cil, and declaring the amalgamation of the said two con-  
tracting corporations as provided by the said Act; and  
that

that the carrying out of the provisions of the said agreement contemplates the issue by The Amalgamated Corporation of five hundred thousand dollars of new stock, and it is deemed desirable that the said issue should be ratified and confirmed; and that, at the date of the issue of the said certificate of the Attorney-General various matters, including the investigation and verification by adjusters appointed by the said two contracting corporations respectively, of the last annual financial statements of the said two contracting corporations respectively, as provided for by the said agreement, had not been completed; and that the amount of the bonus to be received by the shareholders of the said The Canadian Savings and Loan Company of London, Canada, under the said agreement depended on the result of the said investigation; and whereas the amalgamated corporation has, by its petition, further set forth that the said adjusters have now completed the said investigation, and, on the thirtieth day of January, A.D. 1906, did, by a certificate duly executed under their respective hands and seals, report, certify and declare that they had respectively investigated and verified the said respective last annual financial statements of the said contracting corporations, and respectively found the same to be correct; and whereas the Amalgamated Corporation has prayed that the result of the said investigation and the matters herein contained relating to the said amalgamation be declared, ratified and confirmed by an Act of the Legislature; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows;

Agreement set  
out in schedule  
confirmed.

1. The said agreement is hereby ratified and confirmed; and it is hereby declared and enacted that on, from and after the first day of January, A.D. 1906, the said agreement, so ratified by the said resolutions, took effect as the agreement and act of union, amalgamation and consolidation of the said two contracting corporations and that thereupon pursuant to the said Act, the said two contracting corporations became amalgamated into one loan corporation, under the name of The Huron and Erie Loan and Savings Company with a common seal; with all powers, rights, duties and obligations arising out of the said agreement (including *inter alia* the power to complete the adjustment therein mentioned), with an authorized capital stock consisting of fixed, permanent and non-withdrawable stock to the amount of five million dollars (\$5,000,000) in shares of fifty dollars (\$50) each, of which capital stock three million five hundred thousand dollars (\$3,500,000) has been subscribed, composed of thirty thousand (30,000)



(30,000) fully paid shares of the par value of fifty dollars (\$50) each, and forty thousand (40,000) shares of the same par value, on which twenty per cent. has been paid, the total amount paid on the said stock being the sum of one million nine hundred thousand dollars (\$1,900,000), and the liability to The Amalgamated Corporation of each holder of the said stock on which twenty per cent. has been paid being the uncalled eighty per cent. thereof, together with the proportion of premium yet to be paid thereon (such premium being forty-five per cent. on the said uncalled eighty per cent.)

2. The Amalgamated Corporation shall, subject to the law of the Province, possess all the rights, privileges and franchises of each of said contracting corporations; and, as from the said first day of January, A.D. 1906, all and singular the business, property, real and personal, and all rights and incidents appurtenant thereto, all stocks, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such contracting corporations or either of them were, and are hereby declared to have been transferred to and vested in The Amalgamated Corporation without further act or deed; provided, however, that all rights of creditors and liens upon the property of either of such contracting corporations shall be unimpaired by such amalgamation, and that all debts, liabilities and duties of either of the said contracting corporations shall thenceforth attach to the Amalgamated Corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and that no action or proceeding, legal or equitable, by or against the said contracting corporations or either of them shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist or the Amalgamated Corporation may be substituted in such action or proceeding in the place thereof.

Powers and franchises of amalgamated corporation.

3. It is further declared and enacted that, notwithstanding anything in the said Act or any other Act contained, The Amalgamated Corporation was fully empowered to make the issue of five hundred thousand dollars (\$500,000) of stock in the said agreement referred to, for the purposes of the said agreement, and the said issue of such stock is hereby ratified, confirmed and validated.

Issue of \$500,000 of stock confirmed.

4. It is hereby declared that by virtue of the said agreement and of the said certificate of the said adjusters the bonus to be received by the shareholders of the said The Canadian Savings and Loan Company, of London, Canada, became as from the said thirtieth day of January, A.D.

Certificate of adjusters as of annual financial statement and fixing bonus

1906, ascertained, fixed and determinate, and that the said bonus is the sum of seventy thousand dollars (\$70,000).

What deemed  
to be sufficient  
compliance  
with Rev. Stat.  
c. 136, 138 and  
148

5. For the purposes of *The Land Titles Act*, or of registration under *The Registry Act* or of *The Bills of Sale and Chattel Mortgage Act*, or any other Act of the Province, it shall be sufficient, in order to show the transmission of title from the said contracting corporations, or either of them, to The Amalgamated Corporation, if any instrument affecting lands or interests in land, or personal property or interests in personal property, included or intended to be included in the said agreement confirmed and validated by this Act, recite or mention the title of this Act and the chapter and statute year in which this Act was passed.

Act not to  
affect efficacy  
of any other  
agreement for  
sale of assets of  
or amalgama-  
tion of Loan  
Corporations,  
etc.

6. The passing of this Act shall not in any way be deemed to imply that any agreement for the sale of the assets of a Loan Corporation or for the amalgamation of Loan Corporations made or to be made under *The Loan Corporations Act*, and assented to thereunder by the Lieutenant-Governor of Ontario in Council is not or shall not be to all intents and purposes whatsoever, sufficient, effectual and binding, nor shall the passing of this Act be in any way deemed to imply that any certificate of the Minister made or to be made under section 45 of *The Loan Corporations Act* is not or shall not be conclusive evidence of the matters in the said certificate certified or declared.

#### SCHEDULE.

This Indenture made in quadruplicate this twenty-fourth day of October, A.D. 1905, between The Huron and Erie Loan and Savings Company, of the first part; and The Canadian Savings and Loan Company of London, Canada, of the second part.

Whereas the parties of the first and second parts were each duly incorporated as permanent loan companies under the law of the Province of Ontario, and are loan corporations within the meaning of, and stand duly registered under *The Loan Corporations Act*, chapter 205, Revised Statutes of Ontario, 1897, and have each a paid up permanent non-withdrawable and unimpaired capital exceeding the sum of three hundred thousand dollars (\$300,000.00) on which a sum exceeding the sum of one hundred thousand dollars (\$100,000.00) has been paid and is unimpaired; and, under the provisions of the said Act, and of the laws in that behalf, are empowered to unite, merge, amalgamate and consolidate the said corporations, together with their respective stocks, properties, businesses and franchises, and to transact a like business;

And whereas it has been deemed desirable that the said two corporations shall become united and amalgamated pursuant to the provisions of the said Act and of the law in that behalf;

And whereas the directors of each of the said corporations have, pursuant to the said Act, and to the law in that behalf, entered into these presents as a joint agreement under the corporate seal of each of the said corporations, respectively, for the union, merger,

ger, amalgamation and consolidation of the said two corporations upon the terms and conditions hereinafter set forth.

And whereas pursuant to the statutory provisions in that behalf it is intended to procure the shareholders of the said corporations to pass severally resolutions ratifying and accepting this agreement and indenture, and thereafter to submit the same so ratified and accepted for the assent of the Lieutenant-Governor of Ontario in Council;

And whereas the assets and liabilities of the said two corporations, as shown by their respective last annual statements dated the thirty-first day of December, A.D. 1904, and published in the report of the Registrar of Loan Corporations for Ontario, are as follows, to wit: The assets of the said The Huron and Erie Loan and Savings Company are eight million, two hundred and ninety-one thousand, three hundred and forty dollars and sixty-two cents (\$8,291,340.62).

The liabilities of the last named corporation to the public are five million, seven hundred and ninety-eight thousand, five hundred and fifty-two dollars and twelve cents (\$5,798,552.12).

The excess of the said assets over the said liabilities (the said excess being hereinafter called the net assets) is two million, four hundred and ninety-two thousand, seven hundred and eight-eight dollars and fifty cents \$2,492,788.50).

The assets of the said The Canadian Savings and Loan Company, of London, Canada, are two million, four hundred and ten thousand, five hundred and thirty dollars and eighteen cents (\$2,410,530.18).

The liabilities of the last named corporation to the public are one million, three hundred and thirty-nine thousand, seven hundred and fourteen dollars and eighty-six cents (\$1,339,714.86).

The excess of the said assets of the last named corporation over the said last mentioned liabilities (the said excess being hereinafter called the net assets) is one million, seventy thousand, eight hundred and fifteen dollars and thirty-two cents (\$1,070,815.32).

And whereas the subscribed capital stock of the party of the first part is three million dollars (\$3,000,000.00) on which one million, four hundred thousand dollars \$1,400,000.00) has been paid up;

And whereas the subscribed capital stock of the party of the second part is seven hundred and fifty thousand dollars (\$750,000.00) which is fully paid up.

And whereas it has been agreed between the said corporations that the market value of the capital stock of each of the said corporations, respectively, shall, to the extent to which the same has been paid in, be deemed for the purposes of this agreement to be as follows:

The Huron and Erie Loan and Savings Company at two million, five hundred and seventy-six thousand dollars (\$2,576,000.00).

The Canadian Savings and Loan Company, of London, Canada, at nine hundred and ninety thousand dollars (\$990,000.00).

Now therefore this indenture witnesseth that for the purposes of carrying into effect the said union, merger, amalgamation and consolidation of the said two corporations, and in consideration of the premises and of the reciprocal covenants and agreements between the parties hereto herein contained, the parties of the first and second parts do hereby covenant and agree each with the other as follows:

1. The said two corporations, parties hereto, hereby covenant and agree to and with each other, to unite, merge, amalgamate and consolidate into one corporation under the name of "The Huron and Erie Loan and Savings Company," hereinafter called the amalgamated company, and also that this indenture shall, respectively, for and in behalf of each of the said corporations, be executed by its president, or vice-president and manager, under its

corporate



corporate seal, and that this indenture so executed shall, if ratified by the shareholders of each of the said two corporations, respectively, be submitted for and shall be subject to the assent of the Lieutenant-Governor of Ontario in Council, and the certificate of such assent shall be final and conclusive evidence, not only of such assent and of all matters certified or declared in the official certificate of assent, but also of the due performance and execution of all conditions, matters and things precedent or preliminary to such assent or certificate.

2. As from the date of the said assent of the Lieutenant-Governor of Ontario in Council, the said union, merger, amalgamation and consolidation of the said two corporations into the amalgamated company shall take effect *ipso facto*, and these presents shall thenceforth be taken and deemed to be the agreement and act of union, merger, amalgamation and consolidation of the said two corporations, and as from the date of the said assent, the said two corporations shall be deemed and taken to be united, amalgamated and consolidated, and to merge in and form one corporation by the name of "The Huron and Erie Loan and Savings Company."

3. As from the date of the said assent of the Lieutenant-Governor of Ontario in Council, the said amalgamated company shall, for its own use and benefit (subject always to the law governing property and civil rights), have, hold, possess, enjoy, exercise and use all the rights, privileges and franchises of each of the said two corporations, parties hereto, and as from the said date all and singular all lands, mortgages, securities, title deeds, charges, liens, cash, bank notes, bonds, debentures, stocks, shares, bills, notes, subscriptions, debts, accounts, chattels, fixtures, furniture, books of accounts, judgments, things in action, and all property, real and personal, and all powers, rights and incidents appurtenant thereto. Also all estates, effects, rights, interests and credits of every kind and nature whatsoever and wheresoever situate, of, or belonging to the said two corporations, parties hereto, or to either of them, shall, by the said assent of the Lieutenant-Governor of Ontario in Council, and without any further act, deed or instrument be taken and be deemed to be conveyed, assigned and transferred to and vested in the said amalgamated company to and for the use and benefit absolutely of the said amalgamated company, its successors and assigns.

Provided, however, that no rights of creditors nor mortgages, charges or liens upon the property of either of the said corporations, parties hereto, shall be in any wise impaired by such amalgamation; but that all debts, liabilities and duties of each of the said corporations shall thenceforth attach to the said the amalgamated Company, and may be enforced against it to the same extent as if the said debts and liabilities and duties had been incurred, contracted or undertaken by it, and that no action or proceeding, legal or equitable, by or against the said two Corporations so amalgamated or either of them shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the said amalgamated company may be substituted in such action or proceeding in the place thereof.

4. The rules and by-laws of the said party of the First part, "The Huron and Erie Loan and Savings Company," in so far as the same are not contrary to law or inconsistent with this agreement, shall be the present existing rules and by-laws of the amalgamated Company until the same are lawfully repealed, amended or added to by the said amalgamated Company.

5. The number of Directors of the said amalgamated Company shall not exceed nine nor be less than five and the first Directors thereof whose term of office shall continue until the first annual meeting of the said amalgamated Company to be holden on the second Wednesday of February, A.D. 1906, shall consist of



five to be elected by the present Directors of the party of the first part by a majority vote from among the members of its present Board, and four to be elected by the present Directors of the party of the Second part by a majority vote from among the members of its present Board, such election to be made immediately after the said ratification by the shareholders of this agreement, but until the said assent of the Lieutenant-Governor of Ontario in Council is had hereto, nothing herein contained shall be deemed to impair or affect the powers, rights, duties or liabilities of the Directors of the several Corporations, parties hereto. George A. Somerville, of the City of London, in the County of Middlesex, shall be the first Manager of the said amalgamated Company.

6. The head office of the said amalgamated Company shall be in the City of London, in the Province of Ontario.

7. The authorized capital stock of the said amalgamated Company shall be five million dollars (\$5,000,000.00), in shares of the par value of fifty dollars (\$50.00) each, of which capital stock three million, five hundred thousand dollars (\$3,500,000.0) has been subscribed, composed of thirty thousand (30,000) fully paid shares of the par value of fifty dollars (\$50.00) each and forty thousand (40,000) shares of the same par value on which twenty per cent. has been paid, the total amount paid on the said stock being the sum of one million, nine hundred thousand dollars (\$1,900,000.00.)

8. From the date of the said assent of the Lieutenant-Governor of Ontario in Council each holder of shares of the capital stock of the Huron and Erie Loan and Savings Company and of the Canadian Savings and Loan Company, of London, Canada, respectively, shall be deemed by virtue of the said assent *ipso facto* to have surrendered the said shares and to have accepted and to hold (substituted therefor) shares of the capital stock of the said amalgamated Company in the manner following, that is to say:

(a) In the case of The Huron and Erie Loan and Savings Company (the party hereto of the first part) each shareholder therein of record on the books thereof at the date of the said assent hereto of the Lieutenant-Governor of Ontario in Council shall receive the same number and description both of the fully paid and of the partially paid stock of the said amalgamated company as he, at the said last mentioned date, holds in the stock of the said Company (the party of the first part), in lieu of and in substitution for the last mentioned stock and in respect of partly paid shares of the said amalgamated Company the holder shall be liable to the said amalgamated Company for the amount remaining unpaid thereon.

(b) In the case of The Canadian Savings and Loan Company of London, Canada, each shareholder therein of record on the books of the said last mentioned company on the said date of assent, shall, in addition to the bonus hereinafter provided and subject to the provisions hereinafter made as to adjustment and as to fractions of shares, receive shares, of stock fully paid of the said amalgamated Company in the proportion of two shares of fully paid stock of the said amalgamated Company for every three shares of the fully paid stock of the Canadian Savings and Loan Company of London, Canada, held by him, in lieu of and in substitution for the stock of the Canadian Savings and Loan Company of London, Canada, as held by him.

9. If in any substitution of shares a fraction of a share remains the procedure in dealing with the same shall be as follows, to wit:

(a) So long as any portion of the said issue of five hundred thousand dollars (\$500,000.00) of the stock of the said amalgamated Company remains unallotted, any shareholder entitled to such fraction shall have the right within one month of the aforesaid assent of the Lieutenant-Governor of Ontario in Council, on notifying the said amalgamated Company in writing of his intention so to do, to pay to the amalgamated Company the difference re-

quired

quired to make up the value of one fully paid share of the stock of the said last mentioned Company (the same to be treated as of the value of ninety-two dollars (\$92.00), paying to the said Company at the time of giving the said notice the necessary money for that purpose, and such shareholder shall thereupon be entitled to have allotted to him one fully paid share of the stock of the said amalgamated Company.

(b) Provided, always, that in assigning the said unallotted shares to the shareholders entitled to fractions as aforesaid, the order of allotment shall be as follows: Each shareholder entitled to two-thirds of a share shall be first supplied, and if any shares of the said issue of five hundred thousand dollars (\$500,000.00) are then left, the order of allotment thereof shall be governed by the order in time of the receipt by the said amalgamated Company of the notice of intention of such shareholder to convert his fraction into a full share in manner aforesaid.

(c) Provided, further, that in the case of all shareholders entitled to fractions as aforesaid who shall not, within the time herebefore limited, convert such fractions into full shares in manner aforesaid, each of such shareholders shall, upon expiry of the said period of one month, be credited in the books of the said amalgamated Company with a sum in money which shall be equivalent to the value of his fraction (the full share being taken to be of the value of ninety-two dollars (\$92.00)).

10. The terms, conditions and mode of carrying into effect the said amalgamation shall be as follows:

The said amalgamation shall be carried into effect on the basis of the last annual statement, being the statement for the year ending the thirty-first day of December, A.D. 1904, made by each of the said corporations respectively under *The Loan Corporations' Act*, as published in the report of the Registrar of Loan Corporations, which respective statements the party of the first part (as to the statement issued by the said The Huron and Erie Loan and Savings Company) and the party of the second part (as to the statements issued by the said The Canadian Savings and Loan Company of London, Canada), hereby respectively represent, declare and guarantee to be correct and accurate in every particular.

11. The said amalgamation shall take effect as from the date of the assent hereto of the Lieutenant-Governor of Ontario in Council, and in respect of the six months ending the thirty-first day of December, A.D. 1905, the several shareholders of each of the said corporations, parties hereto, shall be entitled to receive from the amalgamated Company, out of the profits by way of dividend, sums which shall be equal to those paid by the respective Corporations by way of dividends for the next preceding six months.

12. For the purposes of the said amalgamation each fully paid share of the capital stock of the said The Canadian Savings and Loan Company of London, Canada, shall be treated as of the value of sixty-six dollars (\$66.00), and each fully paid share of the capital stock of the said The Huron and Erie Loan and Savings Company as of the value of ninety-two dollars (\$92.00), and the shareholders of the said The Canadian Savings and Loan Company of London, Canada, on record at the date of the assent of the Lieutenant-Governor of Ontario in Council hereto shall, in lieu of and in exchange for the aforesaid seven hundred and fifty thousand dollars (\$750,000.00) of the fully paid stock of the said The Canadian Savings and Loan Company of London, Canada, held by them, receive five hundred thousand dollars (\$500,000.00) of fully paid stock of the said amalgamated Company together with a bonus as hereinafter provided, the said stock and bonus so to be received by the shareholders of the said The Canadian Savings and Loan Company of London, Canada, to be divided and apportioned among them pro rata in proportion to the stock of the said last mentioned Corporation, held by them at the date of the said assent. The said bonus shall be regulated as follows:

In case the statements of both Corporations hereinbefore referred to shall, as the result of the investigation by the adjusters hereinafter provided for, be found to be correct, the said bonus shall be seventy thousand dollars (\$70,000.00); but in the event of any inaccuracy being discovered in the said statements or either of them as a result of the said investigation, whereby the net assets of either of the said Corporations (parties hereto) are increased or diminished as at the thirty-first day of December, A.D. 1904, then the said bonus of seventy thousand dollars (\$70,000.00) shall be increased or diminished accordingly. The said bonus so adjusted shall, prior to the taking effect of the said amalgamation, be provided by withdrawing the amount necessary to pay the same from the Reserve Fund of the said The Canadian Savings and Loan Company of London, Canada, and the money so withdrawn shall be set aside, and be paid over to the amalgamated Company, to be by it distributed *pro rata* as aforesaid by way of bonus among the shareholders of the said The Canadian Savings and Loan Company of London, Canada, of record at the date of the said assent of the Lieutenant-Governor of Ontario in Council; and forthwith after the said assent the said amalgamated Company shall pay over the said bonus to the several shareholders entitled thereto.

13. Each of the said Corporations shall have eight weeks from the date of the ratification of this agreement by the shareholders of the said two Corporations respectively, in which to investigate and verify the said financial statement of the other, and to examine the books and securities of the other. In case the foregoing statement of the net assets of either of the said Corporations (parties hereto) as at the thirty-first day of December, A.D. 1904, should, as the result of the said investigation by the adjusters, be found to be incorrect, then the exchange consideration shall be adjusted accordingly.

For the assistance of the adjusters hereinafter mentioned, one or more auditors shall be appointed by each of the parties hereto (the same number of auditors to be appointed by each of the said parties), and the said Corporations and each of them shall produce all books, documents, securities, vouchers and statements and give and furnish all information required by such auditors, and shall do everything necessary to facilitate the making of such audit.

14. Immediately after the date of the ratification of this agreement by the shareholders of the said two Corporations, parties hereto, respectively, then for the purpose of such investigation the Board of Directors of each Corporation shall appoint two adjusters, who may be Directors or not of such Corporation and who shall choose an umpire.

If they cannot agree upon an umpire, a Judge of the County Court of the County of Middlesex shall, upon the application of either party, have authority to appoint one, and the award of such adjusters, or, if they fail to agree, of such umpire, shall be final and binding upon both parties hereto, and may, on the application of either party, be enforced as a rule of Court, as in the case of an award of arbitrators.

In witness whereof the parties hereto have respectively hereunto affixed their seals, attested by the signatures of their Presidents and Managers respectively.

Signed, sealed and delivered,

in the presence of

(Sgd.) H. W. GIVENS,

(Sgd.) J. F. KERN,

(Sgd.) J. W. LITTLE, President.

(Sgd.) GEO. A. SOMERVILLE,  
Manager.

The Huron and Erie Loan Savings Co. Seal.

(Sgd.) ROBT. FOX, President.

(Sgd.) M. H. ROWLAND,  
Manager.

The Canadian Savings and Loan Co. Seal.



## CHAPTER 131.

An Act to empower the London and Western Trusts Company, Limited, to sell certain lands in the County of Lambton.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS the London and Western Trusts Company, Limited, have by their petition represented that on or about the 30th day of August, A.D. 1888, a certain trust deed set forth as schedule "A" to this Act was made and entered into; that Frank Ward, the trustee, one of the parties to said trust deed, on or about the date thereof entered into possession of the property conveyed to him thereby and assumed the burden of the trust of the said deed and continued such possession and operated the properties so conveyed to him to the time of his death on December 25th, 1905; that the said Frank Ward duly made and published his last will and testament, wherein he appointed the petitioners his executors; that Edwin D. Kerby, one of the parties to said trust deed, died in the year 1889, intestate; that the realty in said trust deed described consists of developed oil lands and the only revenue therefrom is from the oil operations carried on upon said lands; that the mortgages upon said lands at the time said trust deed was made were paid off and discharged out of the revenue from said properties about twelve year ago; that out of the revenue from said properties since the payment of said mortgages and for the period of eleven years preceding the first day of January, 1905, the said trustee was only able to pay the creditors an annual dividend of five per cent.; that owing to the diminished production of oil from said properties the revenue therefrom has so fallen off as to only about equal the annual expenses leaving nothing whatever to be divided among the creditors; that the said lands are fully developed as oil producing properties and the production of oil cannot profitably be increased and finally the wells now being operated will have to be closed down on the properties operated at an actual loss; that the said properties are still in operation and will sell to better advantage if sold



sold as going concerns than if they are once closed down; and that there is doubt whether under the provisions of said trust deed the said lands together with the oil well plant and material thereon can be sold by the petitioners; and whereas the said petitioners have by their petition prayed that an act may be passed enabling them to sell the said lands and the oil well plant and material thereon; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: —

1. The said the London and Western Trusts Company, Limited, shall have the power to sell said lands together with the oil well plant and material thereon, in such parcels, and in such manner, and on such terms, as it may deem best and to confer on any purchaser or purchasers thereof, or of any part thereof, a good title to the same in fee simple.

London and Western Trusts Co. authorized to sell certain lands.

2. The proceeds arising from the sale of the said lands together with the oil well plant and material thereon, after payment of the expenses connected with the passing of this Act and the carrying out of the provisions thereof and any other claims properly chargeable against said trust, shall be distributed, in the first place, by payment of the claims of the creditors of said Edwin D. Kerby entitled to share therein, and after payment of such creditors' claims, the balance, if any, shall be distributed among the heirs-at-law and next of kin of the said Edwin D. Kerby in accordance with the provisions of *The Devolution of Estates Act*.

Application of proceeds of sale.

Rev. Stat., c. 127.

#### SCHEDULE "A."

This Indenture made in duplicate the thirteenth day of August, A. D. 1888, between Edwin D. Kerby, of the Town of Petrolia, in the County of Lambton, Oil Operator, of the First Part, F. Ward, of the Village of Wyoming, in the said County of Lambton, Oil Operator, Trustee, of the Second Part, and the several persons, firms and corporations, who are creditors of the said Edwin D. Kerby, of the Third Part.

Whereas the said party of the first part is unable to pay his liabilities in full, and has proposed to execute an assignment of his estate hereinafter mentioned unto the party of the second part upon trusts for the benefit of his creditors in the manner hereinafter expressed;

Now this indenture witnesseth, that pursuant to the premises and in consideration of the sum of one dollar of lawful money of Canada to the party of the first part in hand paid by the party of the second part (the receipt whereof is hereby acknowledged) the

party

party of the first part has granted, bargained and sold, and by these presents doth grant, bargain and sell unto the party of the second part, his heirs, executors, administrators and assigns (according to the respective natures thereof);

All and singular the following lands and premises, that is to say: The east half of the east half of lot eight in the twelfth concession of the Township of Enniskillen, in the County of Lambton, and the following subdivision lots in Williams, Anthony and Bush subdivision of township lot 18 in the first concession of the Township of Enniskillen in the said county, that is to say: Lots one to eleven, both inclusive, in range fourteen, lots fourteen to seventeen, both inclusive, in range fourteen, lots one to five, both inclusive, in range thirteen, lots one to seven, both inclusive, in range twelve, lots one to thirteen, both inclusive, in range nine, all in the subdivision of said lot eighteen, and lots one to twelve, both inclusive, in block "B" in Canada Oil Company's plot in survey of Williams, Anthony and Bush, of said lot eighteen; also a half interest in lots twenty-one to twenty-four, both inclusive, in range ten, of the subdivision of lot seventeen, second concession, Township of Enniskillen; also lots 28, 29, 30, 31, 32 and 34, in range one, in subdivision of lot seventeen, second concession of Enniskillen;

And also, all and singular, all other lands and premises that the party of the first part may be entitled to or interested in in the Province of Ontario;

And also, all and singular, all engines, pumps, derricks, casing, piping, machinery, tools and plant of every nature and kind now lying in and upon the said hereinbefore described premises, or any part thereof, and used in the working of the oil wells thereon, or owned by the party of the first part and situate elsewhere;

And also all crude petroleum owned by the said party of the first part and also all books of account and debts of every nature and kind belonging to or owing to the said party of the first part, together with all vouchers touching the same or any part thereof;

To have, hold, receive and take the said lands, chattels, moneys, credits, and all and singular other the premises hereinbefore granted and assigned or intended so to be unto the said party of the second part, his heirs, executors, administrators and assigns, forever upon the trusts nevertheless and to and for the intents and purposes hereinafter declared and expressed of and concerning the same;

And the said party of the first part hereby nominates and appoints the party of the second part trustee as aforesaid his true and lawful attorney, in the name of the party of the first part or otherwise to do, perform and execute, take and prosecute all such acts, matters and things, suits, action and proceedings, as the said attorney shall think fit for the purposes of the trusts hereinafter declared, and in and about the execution thereof the said party of the first part hereby ratifying and confirming and agreeing to ratify and confirm all and whatsoever the said attorney shall lawfully do or cause to be done in the premises by virtue hereof;

And it is hereby further agreed that the trustee shall forthwith collect and get in all sums of money due and owing to the party of the first part for the purpose of enabling the said trustee to carry on the business of oil producing as hereinafter set forth;

And it is hereby declared and agreed that the said trustee shall and do stand possessed of the said lands, goods, chattels, personal property, books of account, and debts due to the party of the first part, and of the moneys collected and got in as aforesaid upon and for the trusts, interest and purposes following, that is to say:

In

In trust, in the first place to pay all charges and expenses incident to the execution of these presents, and in and about the conducting and carrying into effect the trusts thereof;

And in the next place to carry on the business of producing oil on the lands in Oil Springs and Enniskillen, hereinbefore described, and out of the sale of the products thereof from time to time to pay salaries, wages and all advances and other outgoings which may be made by the said trustee in conducting the said business, and out of the residue from time to time to pay to the parties who now hold mortgages on said lands hereinbefore particularly described, such instalments and interest as may be agreed upon by the said trustee and the mortgagees, and to pay to the said party of the first part an allowance of forty dollars per month until the reconveyances or sale of the trust estate as hereinafter set forth, if the said party of the first part shall so long live, and from time to time after making the payment hereinbefore set forth, to pay and divide the then residue unto and among all and every the creditors of the said party of the first part, other than said mortgagees according to the amount of their respective claims, rateably and share and share alike, and without any preference or priority whatsoever;

And lastly, when all the debts of the said party of the first part including said mortgages are paid in full with interest to reconvey the said lands and premises, and such of the said machinery and plant as may then be on hand and used in connection with the said business or such as may have been purchased to replace plant and machinery worn out to the said party of the first part, his heirs, executors, administrators or assigns, according to the respective natures thereof, subject nevertheless to the provisions hereinafter contained for sale of the said trust estate:

And it is hereby further agreed and declared that if in the opinion of the trustee and a majority of the advisory committee hereinafter named, it shall at any time or times be necessary to sink one or more wells on the said lands for the purpose of keeping up the production of oil, it shall be lawful and they are hereby authorized to do so, and to pay the costs thereof out of the trusts funds, and the said party of the first part hereby covenants with the said party of the second part, for the further assurance of the lands hereby intended to be conveyed and assigned;

And it is hereby further declared and agreed that Charles Mackenzie, Benjamin S. VanTuyt and Stephen Francis Griffiths shall be a committee to direct the said party of the second part in all matters pertaining to the said estate, and the direction of a majority of the said committee shall in all matters pertaining to the said estate be complied with by the said trustee, and it is hereby further declared and agreed that if at any time before all the said liabilities of the said party of the first part (including the said mortgage indebtedness) are paid in full it shall be found that the wells on said premises do not produce sufficient oil to pay the instalments and interest on said mortgage, as they become due the said allowance to the said party of the first part, and the working expenses, it shall be lawful and the said trustee is hereby authorized to sell all of the said trust estate hereby granted and to stand possessed of the moneys arising from such sale upon trust, first to pay the balance of the said mortgages, and the residue if any to pay to the parties of the third part, according to the amount of their respective claims rateably and share and share alike, and without preference or priority whatsoever;

Provided always, and it is hereby further declared and agreed that the parties of the third part do agree to accept these presents in full satisfaction of their respective claims upon and against the said party of the first part, and do hereby respectively release  
him

him forever of and from the same and every part thereof and of and from all actions, suits, claims and demands in respect thereof, reserving, however, all and any securities that the said parties of the third part or any of them may hold for their claims;

Provided also that nothing herein contained shall be construed to make the said trustee responsible other than as trustee as herein provided for the payment of the debts and liabilities of the said party of the first part;

Provided also that the said books of account shall at all times be open to the examination of any or either of the parties of the third part or their or either of their solicitors or representatives;

Provided also that the said trustee shall exhibit a statement of his dealings with and of all his receipts and expenditures in relation to the said estate hereby assigned, to the said committee at the end of every three months from the date hereof;

Provided further that this deed shall be ineffectual unless and until an arrangement shall be made for extending the time for payment of the said mortgages and unless and until the same shall be executed by all the creditors of the said party of the first part other than the said mortgagees;

And it is agreed that the said committee or a majority thereof shall settle the remuneration to be paid to the said trustee for his services under these presents.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year above written.

(Sgd.) EDWIN D. KERBY. (L.S.)

(Sgd.) FRANK WARD. (L.S.)

(Sgd.) J. H. FAIRBANK. (L.S.)

and forty-six other creditors.

Signed, sealed and delivered  
in presence of

(Sgd.) JOHN READ.

(Sgd.) JAMES McMILLAN.

(Sgd.) JOHN READ

(Sgd.) B. S. VANTUYL.



## CHAPTER 132.

## An Act respecting "The Ontario and Minnesota Power Company, Limited."

*Assented to 14th May, 1906.*

WHEREAS Chapter 139 of the Statutes of Canada of Preamble.  
1905 was passed on the petition of The Ontario and Minnesota Power Company, Limited; and whereas certain provisions thereof as to the supply of power in Canada from the water power on the Rainy River at or near the Town of Fort Frances are in the interest of the Province of Ontario; and whereas notwithstanding the provisions in the said Statute contained, it is contended that the company are not bound thereby, but are entitled to deal with the said water power freed from the restrictions in respect thereof imposed by the said Act; and whereas the lands described in Schedule "A" hereto form a part of the water front of the Town of Fort Frances, and were hitherto vested in the corporation thereof, and were by them conveyed to the Crown in the interest of the Province of Ontario to enable the Crown to deal therewith as the needs of the vicinity might require in assisting the establishment and operation of such industries at the said Town of Fort Frances, requiring the use of power as would be for the public benefit, and whereas by a certain agreement dated the 9th day of January, 1905, made between His Majesty of the first part and Edward Wellington Backus, of the City of Minneapolis, lumberman, and those associated with him, of the second part, acting on behalf of a company then to be incorporated, the Crown representing the Province of Ontario agreed in certain events and subject to certain conditions to convey the said lands to the said parties of the second part, but no provision was made for the protection of the interests of the said Town of Fort Frances in respect of the purposes for which the said town conveyed the lands to the Crown; and whereas it is claimed the said agreement was entered into without the consent of the Corporation of the Town of Fort Frances and without any notice to them although the same interferes most seriously with the rights

56 s. of

of the said town; and whereas The Ontario and Minnesota Power Company, Limited, have been incorporated and have taken over the rights of the said parties of the second part to the said agreement; and whereas it is desirable to make certain provisions as to some of the matters contained in the said Chapter 139 of the Statutes of Canada of 1905, and to restore the said lands to the Crown to be dealt with as hereinafter provided, and to embody in this Act certain provisions already agreed upon relating to the development of industries at the Town of Fort Frances aforesaid; and whereas the said Company is desirous of securing an extension of the time fixed by said agreement for the full and final completion of the works therein referred to.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Company to  
provide power  
on Canadian  
side of river.

1. Notwithstanding the provisions to the contrary (if any) contained in the said agreement dated the 9th day of January, 1905, made between His Majesty of the first part and the said Edward Wellington Backus and those associated with him of the second part, the company shall from the water power now or hereafter existing on the Rainy River at or near the Town of Fort Frances, in the District of Rainy River, including any increase thereof from time to time, provide power or electrical energy for use on the Canadian side of the international boundary line concurrently as it provides power or electrical energy for use in the United States, so that from time to time, except as provided for by order of the Lieutenant-Governor in Council, there shall not be less of the said power or electrical energy available for use on the Canadian side of the international boundary line than on the American side, and subject to the provisions of this Act such power or electrical energy shall be delivered on the Canadian side as and when demanded.

Works to be on  
Canadian side.

2. The power-house, generators, transmitters, machinery, appliances and connections necessary for the delivery by the company of such power or electrical energy for use on the Canadian side of the international boundary line shall be on the Canadian side thereof.

Disputes as to  
price for  
power, how  
determined.

3. In case of any dispute as to the price for power or electrical energy in use or to be provided for use upon the Canadian side of the said international boundary line or the methods of distribution thereof or the time within which or the conditions on which the same shall be furnished for use, such dispute shall be settled by the Lieutenant-Governor in Council on the application of any applicant for power or of the company or of the Town of Fort Frances.

4. No part of the power or electrical energy to be provided for use on the Canadian side of the said boundary line shall be diverted to or used in the United States without the order of the Lieutenant-Governor in Council made on an application of which two weeks' notice in writing shall have been served upon the mayor and clerk of the Town of Fort Frances, or in the absence of either one of them upon a member of the Town Council in his stead, and if on any such application it shall appear to the Lieutenant-Governor in Council that there is not a reasonable prospect of the utilization within a reasonable time of power or electrical energy, unemployed, though actually available for use on the Canadian side, an order may be made permitting the diversion of the whole or part of such unemployed power or electrical energy on such terms and conditions, including the time during which such diversion may continue, as to the Lieutenant-Governor in Council may seem proper or expedient. The terms and conditions so imposed shall be absolutely binding on and enforceable against said company, and in event of the company not strictly adhering to and complying with the said terms and conditions the permission granted may be withdrawn by the Lieutenant-Governor in Council.

Power not to  
be diverted to  
American side.

5. The lands described in Schedule "A" hereto shall remain vested in the Crown, to be dealt with in connection with the development of the said water power and the establishment or operation of such industries at the Town of Fort Frances requiring the use of power as would be for the public benefit in such manner as the Lieutenant-Governor in Council may from time to time direct, absolutely freed from the provisions of the said agreement and from any claims or demands whatsoever on the part of The Ontario and Minnesota Power Company, Limited.

Certain lands  
to remain  
vested in  
Crown.

6. In the event of the said Company expending between the date of the passing of this Act and the 1st day of January, 1907, the sum of at least \$40,000 in the construction of the works mentioned in said agreement of 9th January, 1905, the time fixed for full and final completion of said works shall be extended to the 1st day of January, 1908, and the said agreement shall be read as if the words "first day of January, 1908" appeared therein instead of "first day of January, 1907" wherever the latter words are used or referred to in said agreement.

Company to  
erect flour  
mill, etc.

#### SCHEDULE "A."

All and singular that certain parcel or tract of land described as follows:

Commencing in the east limit of the town plot of Alberton at the distance of one chain due south of an iron post planted at the south-east angle of Lot No. 164, thence westerly in a straight line to a point in the west limit produced of Butler Street: said point being one chain due south

south

south from an iron post planted at the south-east angle of Lot No. 161 ; thence westerly in a straight line to a point in the easterly limit produced of Mosher Street, distant one chain to south of the south-west angle of Lot No. 155 ; thence westerly to a point in the easterly limit, produced of Crowe Street, being one chain due south of the south-westerly angle of Lot No. 147 ; thence south-westerly to a Point in the easterly limit, produced of Armit Street, said point being one chain due south of the south-west angle of Lot No. 66 ; thence south-westerly to a point due south one chain from the south-westerly angle of Lot No. 64 ; thence westerly to a point one chain due south of the south-west angle of Lot No. 14 ; thence westerly to a point in the east limit of Victoria Street produced, situate one chain south of the south-west angle of Lot No. 16 ; thence due south to the waters edge of the Rainy River ; thence north-easterly and easterly along the waters edge of the said Rainy River to its intersection with the easterly limit of the Town plot of Alberton ; thence due north along said limit to the point of commencement, reserving thereout the production of Armit Street and Mosher Street to the waters edge of Rainy River.



## CHAPTER 133.

An Act respecting the Ontario and Saskatchewan  
Land Corporation, Limited.*Assented to 14th May, 1906.*

**W**HEREAS by Letters Patent under the Great Seal of Preamble.  
the Province of Ontario, dated the 6th day of  
April, 1903, the Ontario and Saskatchewan Land Corpor-  
ation, Limited, was duly incorporated; and whereas by  
its petition the said company has prayed that it may be  
authorized to accept payment of the price of any of the  
company's lands sold to any shareholder by the transfer  
of fully paid up shares of the company to be transferred  
or surrendered to the company by such shareholder; and  
whereas it is expedient to grant the prayer of the said  
petition;

Therefore His Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:—

1. The board of directors may in their option accept Directors  
authorized to  
accept shares  
in payment of  
lands sold to  
shareholders.  
payment of the price of any of the company's lands, sold  
to any shareholder (not being a director or one who has  
been a director of the said company at any time during  
twelve months prior to such sale) by the transfer of shares  
of the company to be transferred or surrendered to the  
company by such shareholder; provided that in no case  
shall an amount exceeding the par or nominal value of  
any share be transferred in land to any shareholder in  
respect of such share; and provided that no contract  
between the company and the shareholder for the sale of  
land to such shareholder shall be entered into or shall be  
binding upon such shareholder unless and until the shares  
of such shareholder shall first have been fully paid up.

2. The certificate for every share, which shall, under Certificate to  
be transferred  
to company  
and cancelled.  
the provisions of this Act, be transferred to the company  
in

in payment of the price of land or in exchange for land, shall be delivered to the company and shall forthwith be cancelled, and the name of the holder thereof and the denoting number of shares shall be expunged from the register of shareholders; and no holder of such shares shall thereafter have in respect thereof any right or interest in the company or in any of the lands or other property thereof, or be entitled to receive any interest or dividend or capital for or in respect of such shares.

Reduction of  
capital on  
cancellation  
of shares.

3. The capital of the company shall from time to time be and be deemed to be reduced by the nominal value of the shares cancelled in accordance with the provisions of this Act, and the auditors of the company shall, in the certificates applicable to each yearly account and balance sheet of the company's affairs, state and certify the total nominal amount of the shares so cancelled during the year to which such account and balance sheet are applicable and the amount remaining uncanceled.

Directors to  
pass by-law  
declaring  
number and  
par value of  
shares trans-  
ferred or  
cancelled.

4. Shares transferred or surrendered to the company as authorized by section 1 shall be cancelled and for that purpose the directors of the company shall pass a by-law declaring the number and par value of the shares so transferred or cancelled, and upon petition by the company to the Lieutenant-Governor through the Provincial Secretary, supplementary letters patent may be issued confirming the said by-law and notice thereof shall be forthwith given by the Provincial Secretary in *The Ontario Gazette*, and thereupon, from the date of the said supplementary letters patent, the capital stock of the company shall be and remain decreased to or by the amount set forth in such by-law and supplementary letters patent.

## CHAPTER 134.

An Act respecting the Port Arthur Blast Furnace for Iron Ore and the Coal and Ore Dock at Port Arthur.

*Assented to 14th May, 1906.*

WHEREAS by *The Port Arthur Act, 1905*, among other <sup>Preamble</sup> things a by-law of the Municipal Corporation of the Town of Port Arthur, intituled "By-law respecting certain aid or bonus to the Atikokan Iron Company, Limited, and to authorize in connection therewith certain agreements with that company and with the Canadian Northern Coal and Ore Dock Company, Limited, and Mackenzie, Mann & Company, Limited," and set forth in Schedule "A" to said Act, was confirmed and the said corporation was thereby authorized to enter into and carry out the agreements with the said companies set forth in the said schedule; and whereas the parties found it necessary owing to the want of proper foundations for the works to be erected, as in the said agreements mentioned, to alter the sites proposed therefor, and to provide the new sites mentioned in the agreement set out in Schedule No. 1 to this Act; and whereas the agreements set out in Schedules Nos. 1 and 2 hereto have been made between the parties in substitution for the agreement secondly set out in Schedule "A" to *The Port Arthur Act, 1905*, and the new sites for said works therein mentioned have been provided, and the works upon such new sites are now being constructed; and whereas the Atikokan Iron Company, Limited, the Canadian Northern Coal and Ore Dock Company, Limited, Mackenzie, Mann & Company, Limited, and the Municipal Corporation of the Town of Port Arthur have by their petitions prayed that an Act may be passed substituting the said new sites for said other sites and confirming said agreements; and whereas it is expedient to grant the prayers of said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Sites set out in schedule, substituted for sites mentioned in agreements set out in Act of 1905.

1. The respective sites for the respective works of the Atikokan Iron Company, Limited, and the Canadian Northern Coal and Ore Dock Company, Limited, mentioned in the agreement firstly set out in Schedule No. 1 to this Act are hereby respectively substituted for the respective sites for said respective works mentioned in the agreements contained in Schedule "A" to *The Port Arthur Act, 1905*, as if the said sites so hereby substituted had been mentioned in said agreements instead of the sites actually mentioned therein, and the said by-law shall apply to said substituted sites, and is hereby declared to have been and to be legal, valid and binding upon the Municipal Corporation of the Town of Port Arthur and the ratepayers of said town as if the agreements therein referred to had mentioned said substituted sites instead of the sites actually mentioned therein.

Arguments set out in schedule confirmed.

2. The agreements set out in Schedules Nos. 1 and 2 to this Act are hereby confirmed and are declared to have been and to be valid and binding in all respects upon the parties thereto, and upon all other parties interested therein notwithstanding anything to the contrary in *The Consolidated Municipal Act, 1903*, or any other Act contained.

Title of Act.

3. This Act may be cited as "*The Atikokan Iron Company Act, 1906.*"

#### SCHEDULE No. 1.

Agreement made the thirtieth day of December, A.D. 1905, between the corporation of the Town of Port Arthur, hereinafter called the Town, of the first part; the Atikokan Iron Company, Limited, hereinafter called the Iron Company, of the second part; and the Canadian Northern Coal and Ore Dock Company, Limited, hereinafter called the Dock Company, of the third part.

Whereas it would be greatly in the interests of the town that blast furnace works for iron ore, including coke ovens and roasting plant, should be established within the limits of the town, also that a coal and ore dock should be established at some convenient place on the water front of the town, or having access thereto;

Therefore, the parties hereto agree as follows:

1. Within three months after the Town has subscribed for \$200,000 of bonds of the Iron Company, as hereinafter mentioned, and has, also, paid to Mackenzie, Mann and Company, Limited, the sum of \$25,000 on account of the consideration for the site for its works, hereinafter referred to, the Iron Company will commence and will thereafter with all reasonable dispatch continue the construction upon such site of blast furnace works, including coke ovens and roasting plant, having a minimum capacity of producing 100 tons of pig iron per day of twenty-four hours, and will complete the same ready for operation within one year from the date of commencement, and will thereafter reasonably and prudently operate the same, regard being had to the business situation and circumstances from time to time.



2. The Dock Company will, within three months, commence and will thereafter with all reasonable dispatch continue the construction of a coal and ore dock at some convenient place on the water lots in front of Ledyard's or O'Brien's addition to the Town of Port Arthur, having a minimum storage capacity of 200,000 tons of coal and 100,000 tons of ore, and will complete the same ready for handling coal and ore within the said period of one year.

3. For purposes of this agreement the ton of ore shall be 2,240 pounds, and the ton of coal shall be 2,000 pounds.

4. The Iron Company shall authorize and make its bond issue to the extent of \$2,000,000 secured by mortgage to National Trust Company, Limited, as trustee, covering its properties and undertakings present and future, including the said site of the works and the following mining properties in fee simple, viz.: Those certain parcels or tracts of land and premises, situate lying and being mining locations numbered 10E (containing seventy-nine acres); 11E (containing eighty acres); and 12E (containing fifty-one acres), and situated on the Atikokan River in the District of Rainy River, as shown on plan of survey dated July 3rd, 1886, by Provincial Land Surveyor H. de Q. Sewell, of record in the Department of Crown Lands. Such bonds to be payable in twenty years with interest thereon at the rate of 6 per cent. per annum, payable half-yearly. Bonds to the extent of \$300,000, and no more, shall be used for the purchase of the said mining properties.

5. Without delay, after such bond issue has been authorized and made, the Town will subscribe for and agree to purchase from the company at par and accrued interest \$200,000 of said bonds, the price therefor to be payable from time to time as called for by the board of directors of the Iron Company, but such calls shall not exceed ten per cent. per month; this agreement to subscribe for bonds is conditional upon \$400,000 of said bonds being subscribed for on similar terms by Mackenzie, Mann & Company, Limited, and \$100,000 of said bonds being subscribed for on similar terms by J. C. Hunter, of Duluth; J. W. DeCourcy O'Grady, of Chicago; and A. Stamford White, of Chicago. As part of the said subscription agreements for said bonds by the Town and the other parties mentioned, it shall be provided that until the said blast furnace works, coke ovens and roasting plant have been completed, and have been in operation for one year or such earlier date, as may be determined by a committee consisting of said J. C. Hunter, the said O'Grady and Hugh Sutherland, of Winnipeg, the bonds so subscribed for, namely, \$700,000, also the said \$300,000 of bonds, making \$1,000,000 in all, shall be pooled by being deposited with said Trust Company and held under control of the said committee not to be sold except through the committee, and at such price as the committee may from time to time unanimously authorize. All sales of said bonds so authorized shall be made for the equal and rateable benefit of the respective owners in the following proportions:

The owners of the said \$300,000, 3/10ths.

The owners of the \$400,000 to be subscribed by Mackenzie, Mann & Co., Limited, 4/10ths.

The owners of the \$100,000 to be subscribed by Hunter *et al*, 1/10th.

The Town of Port Arthur 2/10ths.

Provided, always, that the price fixed by the committee from time to time shall be notified to the Town, and, within ten days thereafter, the Town may notify the Trust Company that it elects to retain its said bonds in the pool unsold, and, after such notice, the sales made out of the pool shall be made from the bonds of the other owners.

6. On the expiry of the time limited for the pool any bonds remaining therein shall be returned to the owners thereof. The owners of bonds in the pool may pledge the same to secure advances, but such pledge shall be subject to the above terms governing the pool.

7. The remaining \$1,000,000 of bonds of the issue above referred to shall be used for the lawful purposes of the company only, and shall not be issued without the authority of the directors of the Iron Company, approved by resolution of the shareholders at an annual meeting, or at a special meeting called for the purpose.

8. So long as the Town continues to be the owner of said \$200,000 of bonds, or any part thereof, an auditor, approved of by the Town, shall be appointed and paid by the Iron Company to audit its books and accounts, and, from time to time, as the office of such auditor becomes vacant, a successor shall be similarly appointed and paid, and, so long as the Town remains owner of said bonds, or any of them as aforesaid, the auditor shall furnish to the Town such accounts and statements of the company's receipts, expenditures and operations as the Town may, from time to time, require. Provided, always, that the Company may, at any time, subject as hereinafter provided, require the Town to sell and deliver to it, or to whom it may appoint, the said \$200,000 of bonds, or so many thereof as the Town may be the owner of, the price therefor to be par and accrued interest payable in cash. The Town shall have thirty days after being so required to complete the sale and delivery of such bonds, or it may, within such thirty days, notify the Company that it elects to retain such bonds. and, in either case, this provision with respect to the appointment of said auditor, and accounts and statements by him shall cease to have effect at the end of said thirty days.

9. The Town agrees to raise the sum of twenty-five thousand dollars, and to pay the same to Mackenzie, Mann and Company, Limited, on account of the consideration for the site for the Iron Company's works, being not less than forty acres of land, or land covered by water, being part of the water lots in front of Ledyard's addition to the Town of Port Arthur, having a frontal of 600 feet on the eastern limits of the said water lots, and extending back, preserving the same width, 2,904 feet, more or less. The conveyance of said land is to be made direct to the Iron Company, which is to satisfy itself as to the title thereto, the Town assuming no responsibility with respect to such title. Said acquisition and conveyance of said land to be completed without delay.

10. The real and personal property and business of the Iron Company, and of the Dock Company, in the Town of Port Arthur, now or hereafter acquired, and all additions and improvements thereto so far as the same are respectively included in and situated and carried on upon the Dock property, and the said forty acres' site of the Iron Company's works, respectively, are hereby exempted from assessment and taxation for all purposes, except as to taxes for school purposes and local improvements, for a period of twenty years, from the 27th day of March, 1905, and the assessment of said property and business of said companies for school taxes shall not in any year during said period exceed in all the sum of \$200,000, including assessment upon real property, business assessment or other assessment to which the said companies may be liable, and the proportion of the said assessment for school taxes to be borne by each of the said companies shall be determined, from time to time, by agreement between the said companies, or, in default of such agreement, the same shall be adjusted and determined by by-law of the council of the Town.

11. The Iron Company and the Dock Company agree to open and maintain general offices within the limits of the Town.

In witness whereof the parties hereto have executed this agreement.

Signed, sealed and delivered  
in the presence of

GEO. F. MACDONNELL.

RICHARD VIGARS,  
Mayor.

(Seal of Corpn. of P. A.)

THE ATIKOKAN IRON COMPANY, LIMITED,  
(Seal A. I. Co., Ltd.)

J. C. HUNTER,  
Vice-President.

G. DE COURCY O'GRADY,  
Secretary.

THE CANADIAN NORTHERN COAL AND ORE DOCK  
COMPANY, LIMITED,  
(Seal C.N.C. & O.D. Co., Ltd.)

HUGH SUTHERLAND,  
President.

L. W. MITCHELL,  
Secretary.

#### SCHEDULE No. 2.

An Agreement made the thirtieth day of December, A.D. 1905, between the Atikokan Iron Company, Limited, hereinafter called the Iron Company, of the first part; Mackenzie, Mann & Company, Limited, hereinafter called Mackenzie-Mann, of the second part; J. C. Hunter, of Duluth; J. W. DeCourcy O'Grady, of Chicago; and A. Stamford White, of Chicago, of the third part; the corporation of the Town of Port Arthur, hereinafter called the Town, of the fourth part; National Trust Company, Limited, of Toronto, hereinafter called the Trustee, of the fifth part.

Whereas the Iron Company has made a bond issue to the extent of \$2,000,000 secured by mortgage to the Trustee covering its properties and undertakings, present and future, such bonds to be payable in twenty years with interest at the rate of 6 per cent. per annum, payable half-yearly, and the parties have agreed with respect thereto as follows:

Witnesseth:

1. The said \$2,000,000 of bonds shall be executed by the Iron Company and delivered to the Trustee from time to time in such amounts as the Iron Company may find convenient, but shall be certified and issued by the Trustee only in accordance with the following conditions:

(a) Bonds to the extent of \$300,000, and no more, shall be certified by the trustee to be used for the purchase in fee simple, unencumbered, of the three mining locations described in schedule "A" hereto;

(b)

(b) Bonds to the extent of \$700,000 shall be certified by the Trustee from time to time as may be required to carry out the sales thereof made to the following, viz.:

To the Town .....	\$200,000
To Mackenzie-Mann .....	400,000
To J. C. Hunter, J. W. DeCourcy O'Grady and A. Stamford White, jointly .....	100,000

(c) The remaining \$1,000,000 of bonds of the \$2,000,000 above referred to shall be used for the lawful purposes of the company only, and shall not be issued without the authority of the directors of the Iron Company, approved by resolution of the shareholders at an annual meeting, or at a special meeting called for the purpose. Provided, always, that the Trustee shall not be bound to see to the application or use by the company, or its nominees, of any bonds certified by the Trustee, or of the proceeds thereof.

2. Until the blast furnace works, coke ovens and roasting plant to be constructed by the company at Port Arthur, have been completed and in operation for one year, or such earlier date as may be determined by a committee consisting of J. C. Hunter, J. W. DeCourcy O'Grady and Hugh Sutherland, the said \$1,000,000 of bonds referred to in paragraphs (a) and (b) of clause (1) hereof, and each of them, when certified by the Trustee under the provisions of the said paragraphs, shall be retained by and pooled with the Trustee, and held under the control of said committee, not to be sold, except through the committee, and at such price as the committee may, from time to time, unanimously authorize. All sales of the said bonds so authorized shall be made for the equal and rateable benefit of the respective owners in the following proportions:

The owners of the said \$300,000 .....	3/10ths.
The owners of the \$400,000 subscribed for by Mackenzie-Mann .....	4/10ths.
The owners of the \$100,000 subscribed for by J. C. Hunter <i>et al</i> .....	1/10th.
The Town .....	2/10ths.

Provided, always, that the price fixed by the committee, from time to time, shall be notified to the Town, and, within ten days thereafter, the Town may notify the Trustee that it elects to retain its said bonds in the pool unsold, and, after such notice, the sales made out of the pool shall be made from the bonds of the other owners.

The owners of bonds in the pool may pledge the same to secure advances, but such pledge shall be subject to the above terms governing the pool. On the expiry of the time limited for the pool any bonds remaining therein shall be returned to the owners thereof.

3. Mackenzie-Mann, J. C. Hunter, J. W. DeCourcy O'Grady and A. Stamford White and the Town hereby respectively subscribe for and agree to purchase from the Iron Company at par and accrued interest bonds of the said issue, as follows, viz.:

Mackenzie, Mann & Company, Limited .....	\$400,000
J. C. Hunter, J. W. DeCourcy O'Grady and A. Stamford White, jointly .....	100,000
The Corporation of the Town of Port Arthur ...	200,000
<b>Total</b> .....	<b>\$700,000</b>

the price of said bonds to be payable, from time to time, as called for



for by the board of directors of the iron company, but such calls shall not exceed ten per cent. per month.

4. Out of the \$700,000 to be received from the bonds hereby subscribed for not less than \$500,000 shall be expended by the Iron Company upon the furnace works, roasters, coke ovens and other plant and buildings to be erected upon the site in Port Arthur of the Iron Company's works.

In witness whereof the said parties hereto have executed this agreement.

Signed, sealed and delivered  
in the presence of

MACKENZIE, MANN & Co., LIMITED,  
(Seal M., M. & Co., Ltd.)

WM. MACKENZIE,  
President.

GEO. F. MACDONNELL.

R. P. ORMSBY,  
Secretary.

RICHARD VIGARS,  
Mayor.  
(Seal of Corp'n. of P. A.)

J. C. HUNTER,  
(Seal.)

A. STAMFORD WHITE.  
(Seal.)

J. W. DECOURCY O'GRADY,  
(Seal.)

THE ATIKOKAN IRON COMPANY, LIMITED,  
(Seal A. I. Co., Ltd.)

J. C. HUNTER,  
Vice-President.

G. DECOURCY O'GRADY,  
Secretary.

NATIONAL TRUST COMPANY, LIMITED.  
(Seal N. T. Co., Ltd.)

Z. A. LASH,  
Vice-President.

W. T. WHITE,  
General Manager.

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#### Schedule "A".

Referred to in the hereto annexed agreement between the Atikokan Iron Company, Limited, of the first part; Mackenzie, Mann and Company, Limited, of the second part; J. C. Hunter, J. W. DeC. O'Grady and A. Stamford White, of the third part; the Corporation of the Town of Port Arthur, of the fourth part; and National Trust Company, Limited, of the fifth part, dated the thirtieth day of December, A.D. 1905.

Those certain parcels or tracts of land and premises situate, lying and being mining locations numbered 10E (containing seventy-nine acres), 11E (containing eighty acres), and 12E (containing fifty-one acres), and situated on the Atikokan River, in the District of Rainy River, as shown on plan of survey, dated July 3rd, 1886, by Provincial Land Surveyor H. deQ. Sewell, on record in the Department of Crown Lands.

## CHAPTER 135.

An Act to Incorporate The Provincial  
Long Distance Telephone Company.*Assented to 14th May, 1906.*

Preamble.

**W**HEREAS Hillyard Scott Milne, of the Township of Scarboro', in the County of York, Miller; Albert Christian Reesor, of the Township of Markham, in the County of York, Dairyman; Thomas Albert Young, of the Village of Markham, in the County of York, Physician; Andrew Ferrier Wilson, of the same place, Barrister-at-Law; and Charles Duff Scott, of the City of Toronto, in the County of York, Barrister-at-Law, have, by their petition, prayed to be incorporated under the name of "The Provincial Long Distance Telephone Company" for the purpose of carrying on a telephone company with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Hillyard Scott Milne, Albert Christian Reesor, Thomas Albert Young, Andrew Ferrier Wilson and Charles Duff Scott and such other persons, firms and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Provincial Long Distance Telephone Company."

Powers of Corporation.

2. The said company is hereby authorized and empowered to—

Construction of lines.

(a) Construct, build, own, purchase, lease, extend and maintain a line or lines for and to manage, conduct and carry on a long distance telephone business and service;

Co-operation with other companies as to long distance business

(b) Co-operate in giving and conducting such long distance telephone business and service with and interchange and transmit telephonic messages and

and communications with and between any person, municipality or company operating a telephone business upon such terms and conditions as may be agreed upon.

- (c) Manufacture, purchase, sell, lease, license or otherwise dispose of and deal in telephone and electrical instruments, apparatus, plant and equipment, and all materials and supplies used by or in connection with a telephone business. Dealing in instruments, etc.
- (d) As contractors and subject to the consent of the municipality to construct, equip, sell, lease or otherwise dispose of local telephone systems and exchanges in any municipality or municipalities in the Province of Ontario. Local telephone systems.
- (e) Generally and subject to the provisions of this Act to enter into contracts with the Government of the Province of Ontario, and with any municipality, corporation or individual, in respect of the construction, acquisition or operation of any telephone lines or systems in the Province of Ontario, and for the carrying out of the purposes of the company. Contracts with Government, Municipalities, etc.

3. With the consent of the council of any municipality to be expressed by by-law, and under and subject to such terms and conditions as may be agreed upon between the company and such council, or in case the council of the municipality shall neglect or refuse to give such consent, or in case the terms and conditions imposed by the council are not accepted by the company, then with the consent of the Ontario Railway and Municipal Board and upon such terms and conditions as the Board may impose upon the municipality and the company, after hearing the municipal corporation, the company, (and any other company or individual affected, in case such municipality has heretofore entered into an agreement with such other company or individual by which the exclusive right to carry on a telephone business has been granted to such company or individual), the company may place, erect, maintain and operate in, along, upon, over, across or under any public highway, street, lane, bridge, watercourse or other public communication in such municipality, poles, ducts, wires and other necessary plant for the purpose of carrying on its telephone business, notwithstanding the terms of any agreement heretofore entered into between the corporation of such municipality and any company or individual under the provisions of section 331 of *The Consolidated Municipal Act, 1903*, and any amendments thereto; Operating on or over highways in municipalities.

Provided, however, that unless and until the company has obtained the consent by by-law of, and entered into an agreement 3 Edw. VII., c. 19. Proviso.

agreement with the corporation of a municipality the company shall not construct or operate a local telephone system and business or construct more than one conduit or pole line or operate more than one telephone exchange or office in connection with its long distance business in such municipality, and

Proviso.

Provided that in case any other company or any individual is carrying on a telephone business in such municipality under an agreement heretofore entered into with the corporation thereof by which the exclusive right to carry on such business has been granted to such company or individual the company hereby incorporated shall only carry on a long distance service and shall not carry on a local telephone system and business in the municipality during the continuation of such agreement, and provided

Proviso.

- (a) That the company shall not interfere with the public right of travelling on or using such highways, roads, streets, bridges, waters or water-courses;
- (b) That the company shall not erect, permit, or continue any pole less than twenty-five feet high or affix or continue any wire less than twenty-two feet above the surface of any highway, road, street, bridge, water, or water-courses;
- (c) That the company shall not erect, permit or continue any wire at a distance less than three feet from any other wire used or intended to be used for the purpose of conveying or conducting electricity or electrical power by any other person or company, including a telephone company;
- (d) That all poles of the company shall be as nearly as possible straight and perpendicular, and in cities, towns and incorporated villages shall be painted if so required by any by-law of a council having jurisdiction in the premises;
- (e) That all poles of the company within any township municipality shall be at least six inches in diameter at the top of the same and within all other municipalities shall be at least seven inches in diameter at the top of same;
- (f) That the lines, plant and works of the company shall be constructed, maintained and operated in such manner as shall cause the least possible injury to, or interference with, (by induction or otherwise) the business and operation of any other telephone system or systems;
- (g) That in cities, towns and incorporated villages the opening of any highway, road, street or other public



public place by the company, its workmen or servants, for the erection of poles or for carrying wires underground, shall be done under the direction and supervision of the council engineer, or such other officer as the council of the municipality in which the work is intended to be done shall appoint for such purpose;

(h) That the surface of the highway, road, street or other public place shall in all cases be restored to its former condition by and at the expense of the company, and

(i) That when in case of fire it shall become necessary in the opinion of the chief engineer or other officer of the fire brigade for the extinction of a fire that the telephone wires should be cut, the cutting under such circumstances shall not entitle the company to demand or claim compensation for damages that may be so incurred.

4. The said company shall have power and authority to purchase or lease for any terms of years from any person or persons, municipality, company or companies, any telephone line or system or any portion or portions of any telephone line or systems, established or to be established in the Province of Ontario, and to acquire running rights over the poles or wires of any such telephone line or systems, and to amalgamate with or sell or lease their line or lines, or any portion or portions thereof to any person, corporation, municipality or telephone company, save and except to The Bell Telephone Company of Canada, or any company owned or controlled by, or any person or persons, company or companies, for or on behalf of or otherwise interested in or connected with The Bell Telephone Company of Canada.

Purchasing  
or leasing  
other lines.

5. The said company shall have power and is hereby authorized to advance money to assist or to form, take stock in and operate any subsidiary company or companies incorporated for the carrying out of one or more of the objects and purposes which the company is hereby authorized to carry on.

Assisting  
subsidiary  
companies.

6. The capital stock of the company hereby incorporated shall be \$2,500,000, to be divided into twenty-five thousand shares of \$100 each.

Capital stock.

7. The persons named in the first section of this Act shall be the provisional directors of the company and shall have power and authority to open stock books and to procure subscriptions for and allot shares in the capital stock of the company and to make calls upon subscribers.

Provisional  
directors.

Tenure of office  
of provisional  
directors.

8. The provisional directors shall hold office until the first general meeting of the shareholders of the company, held after the passing of the Act, which said meeting shall be held as soon as possible after \$50,000 at least of the capital stock shall have been subscribed for; notice of such meeting shall be given by registered letter addressed to each shareholder.

Directors,  
number of.

9. The board of directors of the said company shall consist of not less than five and not more than fifteen directors.

Head office.

10. The head office of the company shall be at the City of Toronto.

Annual meet-  
ing.

11. The date and place of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

Rights of aliens

12. Aliens shall have equal rights with British subjects to take and hold stock and to vote, and shall be eligible to office in the company.

Application  
of certain pro-  
visions of  
Rev. Stat.  
c. 191.

13. The several sections of *The Ontario Companies Act* numbered from 17 to 22, and from 24 to 81, and from 83 to 97, and from 103 to 106, inclusive, and all amendments thereof shall be incorporated with and deemed part of this Act, and shall apply to the company, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the said sections of *The Ontario Companies Act* and every Act in amendment thereof so incorporated with this Act.

Powers exer-  
cised under  
3 Edw. VII,  
c. 19, s. 331, not  
to interfere  
with company.

14. By-laws hereafter passed by the council of any municipality and agreements hereafter entered into between any municipality and any telephone company or individual granting an exclusive right within such municipality under section 331 of *The Consolidated Municipal Act, 1903*, shall be and be deemed to be subject to the rights of this company under section 3 hereof for the construction and operation of a long distance line and business. Provided that unless the company shall, within one year after the passing of this Act, satisfy the Ontario Railway and Municipal Board that the sum of \$200,000 has been expended in actual work of construction, and shall obtain and file in the office of the Provincial Secretary a certificate of the said Board to that effect, this section shall be of no further force and effect, and shall be deemed to be repealed after the expiration of said one year.

Trees on  
highways.

15. It shall be lawful for the said company to trim as far as necessary any trees growing upon, over or along the public highway, streets, roads, or other public places  
57a s. wherever

wherever such trees interfere with the proper operation of the company's long distance wires and lines, subject to the consent of and under the supervision of the municipality in which such public highway, street, road, or place is situate or the officer appointed by the municipality for such purposes.

16. Any incorporated telephone company may and is hereby authorized and empowered to subscribe for and hold shares of the capital stock of this company and to invest in, purchase and hold bonds or other securities of this company.

Other companies may take stock.

17. The company shall give telephonic connection with the trunk lines and long distance system owned and operated by the company to any person or persons, municipality or incorporated company, owning and operating any local telephone system solely on such terms, conditions and charges as may be agreed upon, and in case of disagreement as may be, determined by the Ontario Railway and Municipal Board.

Company to give connections at reasonable rates.

18. The rates and charges for messages from any person in one municipality to any other person in another municipality, commonly known as long distance messages, may be increased or diminished by order of the Ontario Railway and Municipal Board, upon the application of the company or any interested municipality, or any person, and thereafter the rates so ordered shall be the rates charged by this company until again similarly adjusted by the Board.

Regulation of rates and charges by Railway and Municipal Board.

19. A long distance line or service shall mean any trunk line or service connecting a trunk line office or station in a municipality with a trunk line office or station in another municipality, but shall not include the sending out of any telephonic message by wire from any trunk line or other office in the municipality to any other point within the same municipality.

"Long Distance Line," meaning of.

20. Unless the company shall, within two years after the passing of this Act, satisfy The Ontario Railway and Municipal Board that the sum of \$200,000 has been expended by the company in actual work of construction, and shall obtain from the said Board and file in the office of the Provincial Secretary a certificate to that effect, the powers by this Act conferred upon the company shall thereafter cease and determine, and this Act shall be deemed to be repealed.

Act to be deemed repealed if \$200,000 not spent in two years.

## CHAPTER 136.

## An Act respecting The Sao Paulo Tramway Light and Power Company, Limited.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS by Letters Patent under the Great Seal of the Province of Ontario, dated the 7th day of April, A.D. 1899, The Sao Paulo Railway Light and Power Company, Limited, was duly incorporated; and whereas by Order of the Lieutenant-Governor in Council, dated the 13th day of December, A.D. 1899, the corporate name of the said Company was changed to the corporate name of The Sao Paulo Tramway Light and Power Company, Limited; and whereas by Act of the Legislature of the Province of Ontario, being chapter 104 of 2 Edward VII, an issue of certain preference stock was authorized, and an issue of first mortgage bonds made by the company was confirmed; and whereas by its petition the said company has prayed that it may be authorized to issue to the holders of its shares who may desire the same, share warrants to bearer in lieu of the stock certificates representing such shares, and providing for the rights of the holders of such share warrants and for other necessary particulars relating thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of share warrants.

1. The Sao Paulo Tramway Light and Power Company, Limited (hereinafter referred to as "the company"), may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise for the payment of the future dividends on the share or shares included in such warrant hereinafter referred to as a "share warrant."



2. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

Effect of share warrant.

3. The bearer of a share warrant shall, subject to the by-laws of the company regarding share warrants as hereinafter provided, be entitled on surrendering such warrant for cancellation to have his name entered as a shareholder in the books of the company, and the company shall be responsible for any loss incurred by any person by reason of the company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

Surrender and cancellation entitle to entry as shareholder.

Liability of company for entry without cancellation.

4. The bearer of a share warrant may, if the by-laws regarding share warrants so provide, be deemed to be a shareholder of the company within the meaning of *The Ontario Companies Act* and amendments thereto, either to the full extent or for such purposes as may be prescribed by the said by-laws, provided that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the company.

To what extent bearer is to be deemed shareholder.

Rev. Stat. c. 191.

Warrant will not qualify bearer as a director.

5. On the issue of a share warrant in respect of any share or shares, the company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

Particulars to be entered in register.

(a) The fact of the issue of the warrant;

(b) A statement of the share or shares included in the warrant.

(c) The date of the issue of the warrant;

and until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by *The Ontario Companies Act* and amendments thereto, to be entered in the books, reports, statements, or annual summary of the company in respect of such share or shares; and on the surrender of a warrant, the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

Rev. Stat. c. 191.

Date of surrender to be entered.

6. The directors may from time to time pass by-laws to regulate the issue of share warrants, and in particular the issue of a new share warrant or coupon in the place of one worn out, defaced, lost or destroyed, and to regulate the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings,

Power to directors to vary conditions of issue.

and

and upon which a share warrant may be surrendered and the name of the holder entered in the books of the company in respect of the shares therein specified. Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such warrant shall not be counted as part of the stock of the company for the purposes of a general meeting.

## CHAPTER 137.

An Act respecting The Toronto Liederkranz,  
Limited.*Assented to 27th April, 1906.*

**W**HEREAS The Toronto Liederkranz, Limited, has, by <sup>Preamble.</sup> its petition, set forth that the said society was incorporated under the name of "Liederkranz" by a declaration filed on the 24th day of April, 1883, pursuant to the provisions of the Revised Statutes of Ontario, 1877, chapter 167, intituled "An Act respecting Benevolent, Provident and other Societies;" that by Letters Patent issued on the 5th day of October, 1886, it was incorporated subject to the provisions of *The Ontario Joint Stock Companies Letters Patent Act*, being chapter 150 of the said Revised Statutes of Ontario, under the name of "The Toronto Liederkranz;" that by the said last mentioned Letters Patent the capital stock was declared to be \$1,000 divided into 100 shares of \$10 each; that by Supplementary Letters Patent issued on the 1st day of June, 1892, a by-law of the said society increasing its capital stock from the sum of \$1,000 to the sum of \$20,000 by the issue of 1,900 shares of new stock of \$10 each was confirmed; that \$12,000 of the capital stock of the society has been issued, and is fully paid up; that the remaining \$8,000 of the capital stock authorized has not been subscribed for or issued; that the society is free from liability, except current expenses, and has assets of the value of over \$30,000; that by the by-laws of the said society it is enacted that only Germans or German-speaking men of the full age of 21 years are eligible to acquire or hold stock therein, and that the society is desirous of restricting the membership to such persons; that it is also provided by the said by-laws that upon the death of any shareholder his personal representative shall have two years within which to transfer his share or shares to any person eligible to become a shareholder under the by-laws of the society, and that in the meantime such personal representative shall be entitled to receive any dividend or bonus

bonus which may be declared in respect of such shares, but he shall not be entitled to vote thereon unless he himself be a shareholder, and in default of such transfer within such time the directors may, if they see fit, and it shall be lawful for them to sell such share or shares, and to pay over the proceeds thereof to the estate or the personal representative of the deceased; that the society is desirous of having the provisions of the said by-laws confirmed and of obtaining power to purchase and re-sell the shares of deceased shareholders; and whereas the said society has petitioned that an Act may be passed confirming the said by-laws and giving it power to acquire at their par value and to re-sell the shares of deceased shareholders; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 23 and 26 of Toronto Liederkranz, Ltd. confirmed.

1. By-laws Nos. 23 and 26 of The Toronto Liederkranz, Limited, set forth in Schedule "A" to this Act, are hereby confirmed and declared to be legal and binding upon all the shareholders, from time to time, of the said society.

Directors authorized to purchase shares of deceased shareholder with Society funds.

2. So long as the capital stock of the said society shall not be impaired it shall be lawful for the directors of the said society, from time to time, to apply such portion of the funds of the said society as may be necessary in the purchase at their par value of any share or shares in the said society standing in the name of a deceased shareholder and the directors may, from time to time, as they see fit, sell and dispose of at not less than their par value all such shares so purchased. Provided that the aggregate of the shares which may be held at any one time by the said directors under this section shall not exceed \$3,000 in par value.

Proviso.

Nomination of person to receive purchase price of shares.

3. Any shareholder of the society holding shares not exceeding \$200 may, from time to time, nominate any person or persons, such person or persons being within *The Statute of Distribution*, to receive the purchase money of his shares, provided such nomination is duly deposited with the secretary of the society during the shareholder's lifetime, and upon receiving a statutory declaration of the death of the nominator the society shall pay the purchase money of such shares to the nominee.

Rev. Stat. c. 335.

#### SCHEDULE A.

#### By-Law No. 23.

That no person other than German or German-speaking men, of the full age of twenty-one years, shall be eligible to acquire  
or



or hold stock in the company, nor unless they have been proposed and seconded by shareholders in good standing and their names have been posted for ten days in the usual place and manner and the Board has consented thereto.

By-Law No. 26.

Upon the death of any shareholder his personal representative shall have two years within which to transfer his share or shares to any person eligible to become a shareholder under the by-laws of the company, and in the meantime such personal representative shall be entitled to receive any dividend or bonus which may be declared in respect to such shares, but he shall not be entitled to vote thereon unless he himself be a shareholder; and in default of such transfer within the said time the directors may, if they see fit, and it shall be lawful for them, to sell such share or shares, and pay over the proceeds thereof to the estate, or the personal representative, of the deceased.

## CHAPTER 138.

## An Act to incorporate the Twin City Chamber of Commerce.

*Assented to 27th April, 1906.*

Preamble.

**W**HEREAS David Rampton Bruce, Guillot Pollock Ames, Allen Grant Seaman, George Thomas Marks, Frank Egerton Gibbs, John James Carrick, Franklin Samuel Wiley, George Clavet, George Mooring, Joseph Goodwin King, Samuel Wellington Ray and George Francis Hourigan, all of the Town of Port Arthur, and John Thomas Horne, William David Muirhead, Michael Henry Braden, Edward Robert Wayland, Joseph Lynn Davidson, Samuel Crawford Young, Davidson William Black, James Hume Perry, Charles William Jarvis, James Cheyne, George Alexander Graham and James Murphy, all of the Town of Fort William, in the District of Thunder Bay, have petitioned for the incorporation of themselves and others as the Twin City Chamber of Commerce, for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The aforesaid persons and all those who may hereafter become associated with them by becoming members of the corporation hereby created, shall be, and they are hereby constituted a body politic and corporate under the name of "The Twin City Chamber of Commerce," hereinafter called the Corporation, and may acquire for themselves and their successors, under any legal title whatsoever, property real and personal, but only to the extent requisite for the purposes of the business of the Corporation; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such price or prices and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate in lieu thereof, for  
the

the purposes set forth in this Act; may borrow money on mortgage of the real estate of the Corporation or by the issue of bonds, debentures or other securities for such time and on such terms and at such rates of interest as they may see fit; provided always that the clear annual value of the said real estate at any one time shall not exceed five thousand dollars, and provided also that the said Corporation shall not have or exercise any corporate powers whatever except such as are expressly conferred by this Act or which are necessary for carrying the same into effect. .

2. The objects of the said Corporation are hereby declared to be, to compile, record and publish statistics, to acquire and distribute information respecting grain, produce, provisions, stocks, shares, bonds and debentures; to provide and regulate a suitable building, room or rooms for grain and stock exchanges and offices in the Towns of Port Arthur and Fort William; to promote the establishment and maintenance of uniformity in the business of its members and those dealing with them; to promote the observance of such regulations and requirements as may be by by-law established not contrary to law; to which ends the corporation is hereby empowered by vote of the majority of its members present at annual, quarterly or special meetings of the corporation, to make, establish, amend and repeal such proper and needful rules, regulations and by-laws as may be deemed necessary or expedient for its government, for the maintenance and due regulation of its grain and stock exchanges, offices and property; for the raising of funds, not exceeding the amount of \$100,000, by the issue of bonds, debentures or other securities, or otherwise; and for fixing the terms, rights and privileges (including the right of voting, but such right of voting to be independent of the right of voting incident to membership in the said corporation); and the rate of interest under which the said bonds, debentures or other securities may be held, transferred or forfeited, provided that any by-laws or resolutions regulating the said terms, rights and privileges shall remain in force and be binding on the said Corporation and shall not be altered or amended as long as any such bonds, debentures or other securities shall remain unredeemed unless with the consent in writing of the holders thereof; for the employment of a secretary and treasurer and such clerks, officers and servants as may be deemed necessary; for regulating the mode of voting at any ordinary, special or general meeting, or for determining whether the presiding officer shall or shall not vote or shall or shall not have a double or casting vote in case of a tie; and for all or any purposes within the powers conferred by this Act, and for the administration of their affairs generally, provided always that such by-laws are not contrary to law:

Officers and  
management  
of corporation.

3. The affairs, business and concerns of the said Corporation shall be managed by a Council of Management consisting of a President, Vice-President, Secretary, Treasurer and such other number of members of the said Corporation as may be provided by the by-laws, all to be elected annually at such place and time as may be provided by the by-laws. All vacancies which may occur in the said Council by death or otherwise shall be filled by the said Council; and a majority of the number of the said Council shall constitute a quorum for the transaction of business; provided, that the officers of the said Corporation shall remain in office, and be the officers of the said Corporation until others shall be appointed in accordance with the provisions of this Act, and all the existing rules, by-laws and regulations of the said corporation shall continue in force and effect and be binding on the said Corporation and its members until repealed or changed under the provisions of this Act.

Annual meet-  
ing.

4. An annual meeting shall be held for the election of the Council of Management (and for such other business as may be brought before such meeting) at such time and place and under such regulations and notices as the by-laws of the said Corporation shall determine, and may be adjourned as decided at such meeting; but in case of any accident, failure or neglect to hold such general election the said Corporation shall not thereby lapse or terminate but shall continue and exist, and the then officers shall hold office until the next general election, or until such other period as may be provided for in the by-laws.

Admission of  
members.

5. The said Corporation may admit as members such persons as they see fit, and may expel any members for such reasons and in such manner as may be by by-laws provided.

Appointment  
of arbitrators  
for hearing dis-  
putes between  
members.

6. The said Corporation shall have power to provide by by-law for the election or appointment by nomination of arbitrators, who shall be members of the said Corporation, to hear and decide controversies, disputes or misunderstandings relating to any commercial matter which may arise between members of the said Corporation or any person whatsoever claiming through or under them, which may be voluntarily submitted for arbitration by the parties in dispute; but nothing shall prevent the parties in any case from naming any members of the said corporation as the arbitrators to whom the matter will be submitted, in lieu of the arbitrators elected or appointed pursuant to such by-law.

Decision of  
majority of  
arbitrators to  
govern.

7. Members and persons assenting to an arbitration by an instrument in writing, signed by them in accordance with the by-laws of the said corporation, shall be deemed to have submitted to the decision of the majority of the arbitrators,



arbitrators, who under any by-law or by nomination by the parties or by the submission, may be appointed to hear and decide the case.

8. The arbitrators shall, before they act as arbitrators, take and subscribe an oath or affirmation before a Justice of the Peace, or a commissioner appointed to take or receive affidavits, in the superior courts, (who are hereby empowered to administer such oaths), that they will faithfully, diligently, and impartially perform their duties as arbitrators, and will in every case give a true and just award according to the best of their judgment and ability, without fear, favour or affection, of or for any party or person whomsoever; and if arbitrators are nominated by the parties they shall, in each case before they act, take and subscribe a similar oath or affirmation in manner aforesaid.

Oath to be taken by arbitrators.

9. The members appointed to hear any case submitted for arbitration as aforesaid, or a majority of them, shall have full power to examine upon oath or affirmation (which oath or affirmation any of such members is hereby empowered to administer), any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of a majority of them, given in such award shall bind the parties according to the terms of the submission and the provisions of this Act.

Power of arbitrators to examine on oath.

10. No member or office-holder shall in any manner be liable for or be charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his unpaid annual dues and subscriptions; provided that any member may withdraw from the said Corporation at any time on payment of all monies due by him to the said Corporation, inclusive of his subscription for the year then current, after which he shall have no claim or demand of any kind against or any rights or privileges (except as a creditor) in the said Corporation.

Limit of liability of members for debts of corporation.

11. All subscriptions of members due to the said Corporation and all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the said Corporation shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought in the name of the said Corporation; and it shall only be necessary in such action to allege that such person is indebted to the said Corporation in the sum of money being the amount of such arrears, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act, and on the trial or hearing of any such suit it shall be sufficient

Payment of subscriptions to be made to treasurer, etc.

*prima*

*prima facie* evidence for the said Corporation to prove that the defendant at the time of the institution of such action was, or had been a member of the said Corporation, and that the amount claimed by reason of such subscription or otherwise, was standing unpaid in the books of the said Corporation.

Returns.

12. The said Corporation shall at all times, when required under the provisions of any statute to that effect, make a full return of its property, real and personal, and of its debts, receipts and expenditure for such periods and with such details and other information as may be required under the provisions of the said statute.

## CHAPTER 139.

An Act to amend the Constitution of Huron College.

*Assented to 27th April, 1906.*

WHEREAS Huron College has by its petition repre-<sup>Preamble.</sup>  
sented that it is the only Divinity College, in connection with the Church of England in Canada, situate within the Diocese of Huron, and that it is deemed desirable that certain changes be made in its constitution and regulations with the view of bringing it into closer touch with the Incorporated Synod of the Diocese of Huron, which is the governing body of the said Diocese, and that Huron College is incorporated by Statute of Canada, passed in the 26th year of the reign of Her late Majesty, Queen Victoria, chaptered 31, and that its constitution and functions are defined and governed by the said Act as amended by the Statute of The Province of Ontario passed in the 32nd year of the reign of Her late Majesty, Queen Victoria, chaptered 52, and by three certain indentures, dated respectively, the first two thereof on the fourth day of May, A.D. 1863, and the third thereof on the twenty-ninth day of March, A.D. 1897, the first of such indentures being an indenture defining the Constitution of the said College, and being executed by the Right Reverend Benjamin Cronyn and others, the second of such indentures being the deed of Endowment of "The Peache Chair" in the said College, and being executed by the Reverend Alfred Peache and others, and the third of such indentures being an indenture whereby the Colonial and Continental Church Society was substituted in the place and stead of "the English Trustees" under the said secondly mentioned indenture of the Peach Trust, the said last mentioned indenture being executed by the said the Reverend Alfred Peache and others, all of which said indentures are deposited amongst the archives of the said College; and that the said the Colonial and Continental Church Society is the only party, other than the said petitioners, interested in the matters hereby dealt with and has, by resolution duly passed on the 17th day of

of October, A.D. 1905, testified its consent to and approval of the changes hereby contemplated; and whereas the said College has prayed that an Act may be passed amending its constitution accordingly; and whereas, it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment  
of members of  
Council and  
Principal of  
Huron College.

1. Notwithstanding anything contained in the said Acts of incorporation of Huron College, or in the said three indentures or any of them, or the rules or by-laws of the said College or otherwise, the method of appointing the members of the Council of Huron College and also of appointing the Principal thereof in case of future vacancies shall be as follows, to wit:

The members of the said Council shall eventually number sixteen (exclusive of the Bishop of the Diocese of Huron for the time being, and the Principal of the College for the time being, each of whom shall always be a member of the Council *ex officio*), of whom (so soon as, having regard to the method of appointing new members hereinafter defined, it may be accomplished) one half shall be clergy, and one half laity; and further (after reduction of the said Council by death or otherwise to sixteen, exclusive of the Bishop and the Principal) one half of the said sixteen members shall always consist either of members of the present existing Council, or members co-opted by the survivors of the present existing Council, or by the survivors of members so co-opted, while the remaining one half of the said Council, exclusive of the Bishop and the Principal, shall consist of members elected by The Incorporated Synod of the Diocese of Huron.

From and after the passing of this Act the said Council shall consist of the present members thereof and eight others (hereinafter referred to as the Synod members) to be elected by The Incorporated Synod of the Diocese of Huron at its next annual meeting.

The present members of the Council shall continue in office and when, by death or otherwise, their number shall have been reduced below eight (exclusive of the Bishop and the Principal, and exclusive also of the Synod members) then and in such case and so often as the same shall happen the remaining members of the Council (other than the Synod members) shall, as soon as conveniently may be, at a meeting to be holden separately for that purpose, (of which notice shall be given in such manner as shall be provided by by-law) elect one or more fit and proper person or persons to be a member or members of the Council, in  
addition



addition to the remaining members thereof, in the place and stead of those who have ceased to be such members, having regard in such election to the provision hereinbefore contained as to the relative proportion of clergy and laity in the said Council, to the end that, by means of such election, the number of sixteen members of the Council may be completed, inclusive of the Synod members, but exclusive of the Bishop of the Diocese and the Principal of the College.

From and after the period at which the Council shall have been reduced in manner aforesaid to the number of sixteen, the said Council shall consist of not less than five nor more than sixteen members, exclusive of the Bishop and the Principal. The remainder of the Council (other than the co-opted members and the Bishop and the Principal) shall be elected by the said Synod at its annual meeting.

The Synod members shall consist of four clergymen and four laymen who shall be members of the said Synod at the time of their election, and shall be elected and hold office for the following respective terms, namely: One clergyman and one layman for one year, one clergyman and one layman for two years, one clergyman and one layman for three years, and one clergyman and one layman for four years, any broken period of a year intervening between the date of such election and the date of termination of the official year, hereinafter defined, to be deemed a year within the meaning of this clause.

The date of the termination of the official year, on which the periods of office of the Synod members shall respectively terminate, shall be the first day of June; retiring members shall be eligible for re-election.

For the purpose of filling vacancies in the numbers of the Synod members, the said Synod shall, at its annual meeting, in each successive year subsequent to the first election of the Synod members, elect two new members of the Council, in the place and stead of the two Synod members whose term of office has expired by lapse of time, one of such members being a clergyman and one a layman, and both being members of the Synod at the time of their election, and such two new members shall respectively hold office for the term of four years. The said Synod shall at the same time fill all such vacancies as shall have occurred in the numbers of the Synod members by death, resignation or otherwise than by lapse of time, by the election of the necessary numbers of additional new members, who shall be members of the Synod at the time of their election. Such additional members shall be elected respectively for terms of office equivalent to the

58 s. unexpired

unexpired terms of the respective members whose places they are elected to fill; and in such elections regard shall be had to the provision hereinbefore contained as to the relative proportion of clergy and laity in the said Council.

Qualification  
of members of  
Council.

2. No person shall be elected or appointed or shall remain a member of the Council who shall not be a strictly Protestant and Evangelical member of the Church of England in Canada holding the doctrines and principles expressed in the thirty-nine articles as now by law established, interpreted according to the plain and natural meaning thereof.

Member must  
subscribe to  
constitution,  
etc.

3. Nor shall any member of the Council be allowed to act as such until he shall have assented and subscribed to the constitution declared by the first above mentioned indenture, and in the event of his neglect or refusal to so assent and subscribe, his nomination, election and appointment as such member shall thenceforth become null and void.

Council to  
nominate  
persons to fill  
vacancy in  
Peaché Chair.

4. Upon the vacation from time to time of "The Peaché Chair" referred to in the indenture secondly above referred to, the Council shall, within one month after such vacation, at a special meeting to be holden for that purpose, select names of three or more fit persons, as defined by the said last mentioned indenture, to fill the said Peaché Chair, and shall forthwith thereafter forward such names, with the appropriate testimonials and information relating thereto, to the Colonial and Continental Church Society.

Appointment  
of nominee by  
Colonial and  
Continental  
Church  
Society.

5. The said Society shall, within one month from the receipt of such notification, approve of one of the names so forwarded, and appoint such nominee to the said Peaché Chair, or reject such names, and shall forthwith notify the Council of such their approval or rejection.

Procedure in  
case of rejection  
of nominees.

6. Upon receiving notice of the rejection of the said nominees the Council shall in like manner, within one month from the receipt of such notice, at a special meeting to be holden for that purpose, select the names of three or more other fit persons, as defined by the said indenture, to fill the said Peaché Chair and shall forthwith thereafter forward such names, with the appropriate testimonials and information relating thereto, to the said Society.

Power of  
Society to reject  
or appoint  
in such case.

7. The said Society shall thereupon, within one month from the receipt of such last mentioned notification, either approve of one of the names so forwarded, and appoint such nominee to the said Peaché Chair, or reject such names,

and shall forthwith notify the Council of such their approval or rejection.

8. In case of the rejection of such names similar procedure to that hereinbefore defined shall be adopted until the appointment to the said Peache Chair shall have been made by the said Society.

Similar procedure until nominee appointed.

9. All such portions of the said Act of Incorporation of Huron College and amending Acts, and of the said three in part recited indentures, and of the by-laws and regulations of the said College, as contain any provision adverse or repugnant to the provisions of this Act are hereby abrogated and repealed, but, except in so far as is necessary to give effect to the provisions of this Act, the said last mentioned Acts and the said indentures, by-laws and regulations shall not be affected hereby.

Inconsistent enactments repealed.

## CHAPTER 140.

## An Act respecting the Western University and College.

*Assented to 27th April, 1906.*

Preamble.

**W**HEREAS The Western University and College (hereinafter called the University) was incorporated by chapter 70 of the Acts of the Legislative Assembly passed in the 41st year of the reign of Her late Majesty Queen Victoria, hereinafter called "The Principal Act," as amended by chapter 89 of the Acts passed in the 45th year of the same reign, and was empowered to carry on the work of a University and college in connection with the Church of England, and whereas the University has by its petition requested that the method of the appointment of senators in the University should be changed and the number of senators increased and their term of office and qualifications defined and that the University might be given power to enact rules for the formation and regulation of faculties and that the said Acts might be amended, and whereas the Act respecting the University passed in the 55th year of the same reign and chaptered 107 has never been brought into force; and whereas it is desirable that it should be repealed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

41 Vic., c. 70,  
s. 1 amended.

1. Section 1 of chapter 70 of the Acts passed in the 41st year of the reign of Her late Majesty Queen Victoria is amended by striking out the following words: "who may hereafter be appointed to be chancellor or members of the senate as hereinafter mentioned and all the persons on whom the University hereby created may hereafter confer any degree" and by substituting therefor the words "included in the third section of this Act."



2. Section 3 of the said principal Act is hereby repealed <sup>41 Vic., c. 70,</sup> and the following substituted therefor:— <sup>s. 3 repealed.</sup>

3.—(1) In addition to the persons named in the first section of this Act the Corporation of the Western University and College shall consist of (a) The Chancellor of the University; (b) The Lord Bishop (hereinafter called the bishop) for the time being of the Church of England in the Diocese of Huron hereinafter called the diocese); (c) the Vice-Chancellor; (d) the members (hereinafter called senators) of the senate (hereinafter called the senate) of the University; (e) all persons (hereinafter called the graduates) who are now or who may hereafter be graduates of the University and who shall contribute an annual sum of not less than five dollars to the funds of the University; (f) all persons (hereinafter called the subscribers) who may subscribe to the funds of the University an annual sum of ten dollars; and (g) all persons (hereinafter called the donors) who donate to the University a capital sum of not less than five hundred dollars.

(2) The chancellor shall be elected by the corporation and shall hold office for four years and shall be eligible for re-election.

(3) The vice-chancellor shall be elected by the senate and shall hold office for four years and shall be eligible for re-election.

(4) No person shall be disqualified to hold the office of chancellor or vice-chancellor because he is a member of the corporation in some other official capacity or because before election he was not a member of the corporation.

(5) Every annual subscription to the funds of the University shall be due on the first day of January and any subscriber or graduate who is in arrear with respect to any annual subscription shall not be entitled to vote.

3. Every person who before the passing of this Act shall have received the testamur of Huron College or on whom whether before or after the passing of this Act the University has conferred any degree, shall be included in the term "graduate of the University" within the meaning of the third section of the said principal Act. <sup>Who to be called graduates of University.</sup>

4.—(1) The senate of the University shall consist of (a) the bishop, (b) the chancellor of the University (when the bishop is not chancellor); (c) the heads of the various faculties established by the University; (d) sixteen members of the council of Huron College; (e) sixteen persons (of whom not less than one-half shall be laymen) chosen by the synod of the diocese; (f) sixteen persons, of whom eight shall be appointed by the bishop and eight elected by the subscribers and donors; (g) four graduates elected by the graduates <sup>Constitution of the Senate.</sup> in

in medicine, and (h) four graduates elected by all the graduates of the University except the graduates in medicine.

(2) The bishop shall be the president of the senate. When the bishop is absent the vice-chancellor shall preside. If both are absent a chairman shall be elected by the members present at any meeting.

(3) Section 1 of the Act passed in the 45th year of the reign of Her late Majesty Queen Victoria, chaptered 89, is hereby amended by striking therefrom the words "and each and every of them being and always continuing to be members of the Church of England," and section 2 of the said Act is hereby repealed.

(4) No religious qualifications or tests shall be required in the case of any member of the senate.

Election of  
Chancellor.

5. The corporation shall meet forthwith after the passing of this Act and shall elect a person to be the chancellor of the University. And thereafter the corporation shall meet annually and at every fourth annual meeting shall elect a person to be the chancellor of the University.

Election of  
Senators.

6.—(1) The subscribers and donors shall meet forthwith after the passing of this Act (for which first meeting seven members shall form a quorum) and shall elect two persons to be senators for one year, two persons to be senators for two years, two persons to be senators for three years, and two persons to be senators for four years, and the persons so elected shall be members of the senate for the respective terms.

(2) And thereafter the subscribers and donors shall meet annually and shall at each annual meeting elect two persons to be members of the senate for the term of four years.

(3) The council of Huron College shall meet forthwith after the passing of this Act and shall elect four of the members of the council to be senators for one year, four members of the council to be senators for two years, four members of the council to be senators for three years, and four members of the council to be senators for four years. And thereafter the council shall annually elect four of the members of the council to be senators for four years.

(4) At the first meeting of the synod of the diocese held after the passing of this Act the synod shall elect four persons to be senators for one year, four persons to be senators for two years, four persons to be senators for three years, and four persons to be senators for four years. And thereafter the synod shall annually elect four persons to be senators for four years.

(5) The graduates in medicine shall meet forthwith after the passing of this Act and shall elect one person to be a senator for one year, one person to be a senator for two years, one person to be a senator for three years, and one person to be a senator for four years. And thereafter the graduates in medicine shall elect annually one person to be a senator for four years.

(6) The graduates other than the graduates in medicine shall meet forthwith after the passing of this Act and shall elect one person to be a senator for one year, one person to be a senator for two years, one person to be a senator for three years, and one person to be a senator for four years. And thereafter the graduates other than the graduates in medicine shall elect annually one person to be a senator for four years.

(7) The term of office of every elected senator shall commence on the first day of July next after his election.

(8) Retiring senators shall be eligible for re-election.

(9) If an elected senator shall die or resign or become incapable of holding the position of a senator or shall (without leave of the senate) absent himself from the meetings of the senate during a period of six months the remaining senators may by resolution declare that a vacancy exists and may thereupon appoint a person to fill the vacancy and the person so appointed shall be a senator (subject to the provisions of this sub-section) for the residue of the term for which the senator so dying or resigning or becoming incapable or absents himself as aforesaid was elected.

(10) The bishop may at any time after the passing of this Act appoint two persons to be senators for one year, two persons to be senators for two years, two persons to be senators for three years, and two persons to be senators for four years, and thereafter the bishop may annually appoint two persons to be senators for four years. If an appointed senator shall die or resign or become incapable of holding the position of a senator or shall (except by leave of the senate) absent himself from the meetings of the senate during a period of six months the bishop may by a writing under his hand certify to the registrar of the University that a vacancy exists, and thereupon the person named in such writing shall cease to be a senator and the bishop may appoint a person to fill the vacancy. Every appointment by the bishop of a senator shall be sufficiently certified to the senate by a writing under the hand of the bishop delivered to the registrar, and shall take effect thereupon.

7. The senate may create faculties and confer degrees in divinity and medicine and in any and as many of the arts or sciences as the senate may from time to time determine.

Powers of senate as creating faculties and conferring degrees.

Powers of  
senate to  
make rules.

8.—(1) In addition to the provisions of the said principal Act, the senate may enact rules (a) defining the respective duties, powers and jurisdictions of the corporation and the senate, and (b) regulating the calling, constitution and proceedings of meetings of (1) the corporation, (2) the senate, (3) the graduates, and (4) the subscribers and donors, and (c) generally providing for all matters not specifically covered by the provisions of this Act.

(2) The senate may enact rules governing the operation, business and conduct of the University and creating and regulating the various faculties thereof.

(3) All rules enacted by the senate may be repealed, amended or added to as the senate may from time to time by rule enact.

55 Vic., c.1107  
repealed.

9. Chapter 107 of the Acts passed in the 55th year of the reign of Her late Majesty Queen Victoria is hereby repealed.

41 Vic., c. 70,  
s. 7 amended.

10. Section 7 of the said principal Act is hereby amended by striking out the words "the faculty of arts or in science or literature" in the first and second lines of the said section and substituting the words "any faculty other than in divinity or medicine."

City of London authorized  
to enter into  
agreement  
with University  
and Huron  
College as to  
payments of  
salaries of Arts  
professors and  
maintenance  
of University,  
etc.

11.—(1) Authority is hereby given to the Corporation of the City of London (hereinafter called the city), with the approval of the ratepayers of the said city qualified to vote on money by-laws first had and obtained for that purpose, and the University and Huron College to enter into an agreement whereby the city may agree to undertake to pay the salaries of all the professors in arts who, according to the terms of the charter, shall be at least four in number, and to provide accommodation for and all the costs of maintenance of the University (the council of Huron College agreeing to allow the use of the present buildings while the same remain sufficient for the purposes of the College and the University) and the University is empowered to grant to the city the right to appoint the members of the senate and thereupon while such agreement continues and is implemented, the provisions hereinbefore contained for the election of senators by the council of Huron College and by the synod and the appointment of senators by the bishop shall not take effect.

(2) No such agreement shall be entered into by the University except upon the following terms, namely:—

(a) Huron College shall have the right of affiliation with the University upon terms at least not less favorable than those which may now be obtained by the College from the University of Toronto.

(b)



- (b) The University shall continue to confer degrees in theology and shall have and always maintain a theological faculty, which said faculty shall consist of the principals and professors of all the theological colleges in affiliation with the University.
- (c) Students of Huron College who take theological options shall not be required to pay tuition fees to the University for the remaining portion of the Arts Course.
- (d) The degree of D.D. when recommended *causa honoris* by the council of any affiliated theological college shall be conferred by the University.

(3) If the city, after taking over the University, shall at any time fail to maintain a *bona fide* Arts Course in the terms of any agreement entered into between the city and the University and Huron College then any such agreement shall be thereby avoided and determined, and this Act shall be read and construed and have effect as if subsections (1) and (2) of this section had not been enacted or contained herein.

(4) In the alternative, if the agreement referred to in subsection 1 of this section should not be made or maintained the city and the University and Huron College are hereby empowered to enter into an agreement whereby the city shall undertake to pay the salaries of two or more professors in the Arts department, who shall be appointed by the council of the said city and who may belong to any denomination of Christians. While such agreement continues the Arts Course shall be determined by a board consisting of the principal of the Normal School, the principal of the Collegiate Institute, and the Public School inspector for the City of London, and the professors in Arts who shall make all regulations regarding the subjects prescribed and also take charge of and conduct the examination, but in all other respects the University shall remain and be governed as in this Act provided.

(5) Clause c of subsection 2 of this section shall apply to any agreement made in pursuance hereof.

## CHAPTER 141.

An Act to incorporate the Synod of the Diocese of Algoma in connection with the Church of England in the Dominion of Canada.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS the Bishop, Clergy and Laity of the Church of England in Canada in the Diocese of Algoma have by petition represented that the Diocese of Algoma was set apart several years ago, and includes the following territory, viz.: The Districts of Muskoka, Parry Sound, and Manitoulin, that portion of the District of Nipissing having the height of land as its northern boundary, and for its southern boundary the Mattawa River and Trout Lake, together with a line produced westerly to where the said lake is intersected by the northern boundary of the Township of Ferris, and thence westerly along that boundary to Lake Nipissing, all that portion of the District of Algoma lying south of the height of land and that portion of the District of Thunder Bay, lying south and east of the height of land; and that it is advisable that the Bishop, Clergy and Laity, members of the Church of England in Canada within the limits of the said Diocese, shall be formed into a Synod for the better government of the Church within the said Diocese; and whereas the Bishop, Clergy and Laity above mentioned by their said petition prayed that the said Synod may be incorporated; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Bishop, Clergy and Laity of the Church of England in Canada in the Diocese of Algoma are constituted a body corporate and politic under the name of "The Incorporated Synod of the Diocese of Algoma," hereinafter called the "Synod."

2. The Synod shall be composed of the Bishop of the Diocese for the time being, who shall be the head thereof; the Suffragan or Coadjutor Bishop thereof, if any; the Priests and Deacons of the same licensed by the Bishop, and lay representatives elected in each parish or mission within the Diocese, in the first instance at such time and place and in such manner as the Bishop may direct, and thereafter in accordance with the canons, by-laws or regulations adopted by the Synod.

Synod—how composed.

3. The first meeting of the said Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit.

First meeting of Synod.

4. At the said first meeting or at any adjournment thereof the Synod may adopt a constitution and canons, by-laws or regulations for the general management and good government of the Church of England in Canada within the said Diocese and may from time to time, as the Synod sees fit, alter and amend the same, and the Synod may in such manner and by such proceedings as may be adopted, make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation, or removal of any person bearing office therein of whatever order or degree, for the acquiring and disposing of property and for the convenient and orderly management of the same, and the temporalities, affairs and interests generally of the Church in matters relating to and affecting the same, and the officers and members thereof; Provided that nothing in this Act contained shall authorize the doing of any act or the adoption of any canon, by-law or regulation contrary to any general statute of the Province or to any canon, by-law or regulation of the Provincial Synod of Canada or of the General Synod of the Dominion of Canada.

Constitution and canons.

5. The said Synod may receive by devise, bequest or gift and acquire by agreement, purchase or otherwise, lands or other property or any interest therein, and shall hold the same in trust for eleemosynary, ecclesiastical or educational purposes, of the Church of England in Canada within the Diocese of Algoma, and shall have power to charge, sell, or otherwise deal with or dispose of the same upon such terms and in such manner as it may deem expedient for the purposes aforesaid.

Acquiring lands by deed or will for purposes of diocese and disposing of the same.

6. All property of every kind whatsoever, now held by the Bishop of the Diocese of Algoma in trust for the Church of England in Canada within said Diocese, is hereby vested in the Synod, for all the estate, right, title and interest therein of the said Bishop of Algoma, without the execution or registration of any deed, transfer, assign-

Property held by Bishop of Algoma to be vested in Synod.

ment

ment or other conveyance from the said Bishop to the Synod and the Synod shall hereafter hold such property subject to all trusts relating thereto, and the Bishop of the said Diocese of Algoma is hereby released and discharged from all liability in connection with the future administration of such trusts, or, the property constituting the subject matter thereof.

What recitals to be deemed sufficient for purposes of Rev. Stat., c. 138 and 136.

7. For the purposes of proving the transmission of title of any trust property aforesaid, from the Bishop of Algoma to the Synod, it shall be sufficient in order to satisfy the requirements for registration under *The Land Titles Act* or *The Registry Act*, or any other Act of the Province affecting the registered title to lands or goods and chattels, to recite in any instrument executed by the Synod and dealing with such property or any interest therein the title of this Act and the chapter and statute year in which it was passed.

Investment of funds.

Rev. Stat., c. 130.

8. The Synod shall invest at interest all funds held by it in trust, in securities, in which trustees may invest trust funds under the provisions of *The Trustee Investment Act*, and amendments thereto, and in no other securities.

Powers of Synod to be exercised through committees

9. The Synod may exercise its powers by or through such Committees as it may from time to time appoint, and the Bishop of the Diocese of Algoma or some one appointed by him shall be Chairman and convener of every such Committee.

Execution of conveyances, etc.

10. Every conveyance of real estate or any interest therein vested in the Synod or any discharge of mortgage held by it or any deed, document, or paper writing necessary in connection with the due exercise of the powers herein conferred on said Synod, shall be deemed to be duly executed by the Synod, by affixing thereto the seal thereof and the signature of the Bishop of the Diocese for the time being, or his Commissary duly appointed, and of the Secretary or Registrar of the Synod, or in such other manner as the Synod may by canon or by-law from time to time direct.

Synod to have powers conferred on Bishop by 48 V. c. 88.

11. In addition to the powers by this Act conferred, the Synod shall likewise possess and be entitled to exercise every power, right or capacity vested in the Bishop of Algoma under the provisions of the Act passed in the 48th year of the reign of Her late Majesty Queen Victoria and chaptered 88.



## CHAPTER 142.

## An Act respecting Trinity Church, Toronto.

*Assented to 14th May, 1906.*

WHEREAS the Rector and Churchwardens of Trinity Church, Toronto, have by their petition set forth that by an Act passed in the fifty-first year of the reign of Her late Majesty Queen Victoria, it was enacted that the lands described in the Preamble of said Act should be vested in the Rector and Churchwardens of Trinity Church, Toronto, and their successors in perpetual succession for the benefit of the congregation of said Trinity Church, subject to the charge then existing thereon for securing purchase money due in respect thereof and held by the trustees of the Toronto General Hospital, and also subject to certain leases set forth in the schedule to the said Act, and that by a plan of said lands which had previously been registered as Plan D '12 certain roadways described therein as Erin Street and Derby Street were laid out upon said lands and that the true southerly limit of that part of the lands intended to be described in the Preamble of said Act lying to the east of said Erin Street consists of the southerly limit of Lot 12 shown on said Plan D 12 as occupied for a period of thirty years and upwards, and that the said roadways described as Erin Street and Derby Street, except that part of said Derby Street lying to the east of the easterly limit of said Erin Street and shown as closed upon the amended plan of said lands registered as Plan 263 E, and also certain parcels of land immediately adjoining the said lands of Trinity Church to the south used in connection with said roadways and leading therefrom in a southerly direction to Front street and in a westerly direction to Parliament Street, have for some length of time been used as thoroughfares, and that the purchase money above mentioned has been fully paid, and that leases above mentioned were intended to be described by reference not to the registered plan mentioned in the Preamble of said Act but to said Plan D 12, which, however, was not mentioned in said schedule, and that by reason of the said omission and otherwise the provisions of the said Act are defective and incorrect, and that subsequently to the passing of the

Preamble.

the said Act Lots 1 and 2 according to said Plan D 12 were sold and conveyed by the Rector and Churchwardens of said Church to Jane Wright of Toronto, widow, and Lots 8, 9 and 10 according to said Plan were sold and conveyed by the Rector and Churchwardens of said Church to Thomas B. Taylor of Toronto, brewer, but in the case of each of said sales it does not appear that the requirements of *The Act respecting the Property of Religious Institutions* regarding sales were fully complied with, and that subsequently to the passing of said Act all leasehold interests in Lots Numbers 11 and 12 shown upon said Plan D 12 have been acquired by said Church and said Lots Numbers 11 and 12 are now held by the Rector and Churchwardens of said Church free from any leasehold interest, and that subsequently to the passing of said Act certain leases of Lots Numbers 3 and 4 shown upon said Plan D 12 have been executed by the Rector and Churchwardens of said Church in renewal of the leases of said lots set out in the schedule to said Act, and that in pursuance of resolutions passed at meetings of the vestry of said Church, held respectively on the 11th day of July, 1904, and the 31st day of January, 1905, debentures of said Church, securing in all the sum of \$11,500, were issued by the Churchwardens of said Church under the powers conferred upon them by said Act, and such debentures are now outstanding, and that the power to sell and the power to lease provided by said Act are unsatisfactory as applied to said lands, and that said Act contains no power to erect buildings upon or otherwise to improve said lands or to take over buildings at a valuation upon the expiration of any term of a lease, and that the provision of said Act whereby the Rector and Churchwardens are authorized to mortgage said lands and the Churchwardens are also authorized to issue debentures upon security thereof are complicated and unsatisfactory, and that said Act contains no express enactment regarding the trusts upon which and the purposes for which the said lands were thereby vested in the Rector and Churchwardens of said Church, and that a certain other property situate in the city of Toronto and certain funds are now held upon trusts and for purposes connected with said Church, and it is desirable that the Rector and Churchwardens should be empowered to take over the same; and whereas the Rector and Churchwardens of said Church have by their petition prayed for the passing of the enactments hereinafter contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Reverend Hillyard Cameron Dixon, Rector, and Charles Robert Cooper and George Stagg the elder, Churchwardens of Trinity Church, Toronto, and their successors

in perpetual succession, are hereby constituted a corporation under the name of "The Rector and Churchwardens of Trinity Church, Toronto," hereinafter called "the Corporation."

2.—(1) It is declared that the lands which by the Act <sup>Trusts upon which lands held.</sup> passed in the 51st year of the reign of Her late Majesty Queen Victoria and chaptered 90, were vested in the Rector and Churchwardens of the said Church were so vested upon the trusts and for the purposes set out in the preamble of the said Act, and that the said lands, except those parts thereof which have been sold, and except the parts of said lands south of the limit defined in subsection 2 hereof, and those parts mentioned in subsection 3, are now vested in the Corporation hereby created upon the same trusts and for the same purposes so far as such trusts and purposes continue to be applicable to the said Church, subject, however, to the provisions of subsections 2 and 3 hereof, and also subject to the leases mentioned in section 9 hereof and to the debentures mentioned in section 10 hereof.

(2) It is further declared that the true southerly limit of <sup>Southerly boundary of certain lands.</sup> that part of the lands intended to be described in the preamble of the said Act lying to the east of Erin Street consists of a line commencing at a point in the easterly limit of Erin Street at a distance of 111 feet and 7 inches measured along the line of said easterly limit from the northerly limit of Front street, being the point at which said easterly limit is intersected by the westerly production of the northerly face of certain frame buildings which have for a period of 30 years and upwards formed the existing southerly limit of Lot 12 shown on Registered Plan D 12, and thence easterly along the said face of the said buildings and along the line of a fence to and along the northerly face of an old frame dwelling house now known as city number 80 Trinity Street, and along the easterly production thereof, being along the said existing boundary in all a distance of 132 feet more or less to the westerly limit of Trinity Street, being at a point distant 113 feet from the northerly limit of Front Street measured along the said westerly limit of Trinity Street.

(3) It is further declared that the roadways shown upon the plan of said lands registered as Plan D 12 and therein described as Erin Street and Derby Street, except that part of said Derby Street lying to the east of the easterly limit of said Erin Street and shown as closed upon the amended plan of the said lands registered as Plan 263 E, notwithstanding any description of said roadways appearing upon said Plan 263 E, have become and are public highways, and it is further declared that those parcels of land now used in connection with said roadways, being parts of lots 9 and 10 shown on said Plan D 12, and parts of lots 16, 17, <sup>Certain roadways declared to be public highways.</sup>

18 and 19 shown on registered Plan 122, and part of the lane shown on said Plan 122, and together described as follows: Commencing at the point in the easterly limit of Parliament Street at which the same is intersected by the westerly production of the line of the most northerly face of the brick building now standing at the north-easterly corner of Front and Parliament Streets, the said point being the north-westerly angle of Lot 1 shown upon registered Plan 122, and being distant 88 feet measured northerly along the easterly limit of Parliament Street from the northerly limit of Front Street, thence north seventy-four degrees and three minutes east along said production of said line of the most northerly face of said brick building 170 feet seven and a half inches, thence north seventy-three degrees and thirty-two minutes east along a fence and along the line of the northern face of a building, being the line of the northerly limits of lots 7 to 16, inclusive, shown on the said Plan 122 as the same are now occupied 220 feet seven and a half inches to the westerly limit of the continuation of Erin Street as the same is at present used, thence south thirty-eight degrees and forty-eight minutes east along said westerly limit of the continuation of Erin Street ninety-seven feet six and a half inches to the northerly limit of Front Street, thence north seventy-four degrees east along the northerly limit of Front Street twenty-two feet three inches to the easterly limit of the continuation of Erin Street as the same is at present used, thence north thirty-seven degrees and fifteen minutes west along said easterly limit of the continuation of Erin Street, as the same is at present used, 111 feet seven inches to a point in the easterly limit of Erin Street as shown on said Plan D 12, thence south seventy-three degrees and thirty-two minutes west on a line parallel with said line of the northerly limit of lots shown upon said Plan 122 as the same are now occupied and distant fourteen feet measured northerly at right angles therefrom, 271 feet, thence north fifteen degrees forty minutes west parallel with the easterly limit of Parliament Street four feet, thence south seventy-four degrees and three minutes west one hundred and forty feet to the easterly limit of Parliament Street, thence south fifteen degrees and forty minutes east along the easterly limit of Parliament Street eighteen feet to the point of commencement, have become and are public highways, and are as such vested in the Corporation of the City of Toronto.

51 V., c. 90, s. 2,  
repealed.

51 V., c. 90,  
ss. 3-8, re-  
pealed.

Issue of debentures for  
\$25,000  
authorized.

3. Section 2 of the said Act is repealed.

4.—(1) Sections 3, 4, 5, 6, 7, and 8 of the said Act are repealed and the following subsections of this section are substituted therefor.

(2) It shall be lawful for the Corporation with the consent of the Vestry of the said Church duly given at a meeting called for that purpose, from time to time to execute  
and



and issue debentures, securing repayment of such sums not less than \$100 each, at such rate of interest, and redeemable at such times and places as they may determine, and from time to time to renew the same or issue new debentures in their place; provided that the total amount of debentures issued under this Act at any time outstanding shall not exceed the sum of \$25,000 and shall not exceed the sum of \$15,000 without the consent of the Executive Committee of the Incorporated Synod of the Diocese of Toronto.

(3) The Corporation may from time to time, with the consent of the holders, call in any outstanding debentures and discharge the same with funds raised by new debentures issued under this Act, or may substitute therefor such new debentures as may be agreed upon.

Calling in and paying out outstanding debentures.

(4) The funds to be raised by the issuing of debentures authorized as aforesaid shall be applied in redeeming outstanding debentures and other liabilities of the said church, and in carrying out the purposes for which the said lands are held by the Corporation.

Application of proceeds of debentures.

(5) A certificate under the seal of the Corporation setting forth the amount for which any debentures shall be issued under the provisions of this Act and the date of the resolution of the Vestry of said Church consenting to such issue shall be registered in the Registry Office for the Eastern Division of the City of Toronto, and thereupon such debentures shall, without registration thereof and without any formal conveyance, be taken and considered to be charges upon all the property of the said church, and the holder of any such debenture shall be deemed to be a mortgagee of the property of the said Church *pro rata* with the other holders of such debentures.

Debentures to be a charge upon lands.

(6) The interest payable in respect of such debentures shall be the first charge upon the whole revenue of the said Church and the Vestry thereof, and it shall be the duty of the Churchwardens of the said Church out of such revenue from year to year to pay all interest falling due thereon.

Payment of interest.

(7) No person advancing money upon the security of the debentures authorized by this Act to be issued shall be in any way bound to see to the application of the money so advanced.

Purchase of debentures not bound to see to application of proceeds.

5. Section 9 of the said Act is repealed.

51 V., c. 90, s. 9 repealed.

6. The Corporation shall have power to lease any part of the lands by this Act vested in the Corporation which it may not be deemed necessary to retain

Power to lease.

for the buildings now used or hereafter to be used as a church, a schoolhouse and a parsonage, for any term not exceeding twenty-one years, for such rents, upon such terms and subject to such conditions as the Corporation may determine, and shall have power in any such lease to enter into such agreement as they may see fit regarding the renewal thereof for a further term or further terms, each term not exceeding twenty-one years, and regarding payment of the value of the buildings and other improvements upon the land so demised at the expiration of any such term instead of renewing such lease, and regarding the method by which the amount of the rent to be paid upon such renewal and the value of such buildings and other improvements shall be determined in case of failure to agree, and shall have power from time to time to renew any such lease in pursuance of such agreement. But no part of the said lands shall be so leased for any term exceeding or with any right of renewal extending beyond twenty-one years without the consent of the Executive Committee of the Incorporated Synod of the Diocese of Toronto.

Erecting and  
improving  
buildings,

7. The Corporation shall have power, with the approval of the Vestry of the said Church, to erect buildings upon, to enlarge, improve, alter or rebuild buildings now or hereafter erected upon, and otherwise to improve, the lands by this Act vested in the Corporation or any part thereof, and also to purchase buildings erected thereon by any lessee, or to take over the same at a valuation upon the expiration of any term of a lease, and for any such purpose to employ moneys raised by issuing debentures or by sale of any part of the said lands or moneys otherwise in their hands as such Corporation.

Sales of certain  
lands con-  
firmed.

8. The sale of lots 1 and 2 according to registered plan D 12, made by the rector and churchwardens of the said church to Jane Wright, of Toronto, widow, and the sale of lots 8, 9, and 10 according to registered plan D 12, made by the rector and churchwardens of the said church to Thomas B. Taylor, of Toronto, brewer, and the conveyances by which the said lands were respectively conveyed to the said Jane Wright and the said Thomas B. Taylor, are confirmed, and the same are hereby declared to have been as valid and effectual in every respect as if the said sales had been duly made and the said conveyances had been duly executed under and in pursuance of the provisions of the said Act as amended by this Act.

Leases to  
Francis Beale  
and Joseph R.  
Lee confirmed.

9. The lease dated 1st April, 1895, whereby the rector and churchwardens of Trinity Church, Toronto, demised lot 3 according to registered plan D 12 to Francis Beale for the term of twenty-one years from said date, and the lease

dated 28th December, 1904, whereby the rector and churchwardens of Trinity Church, Toronto, demised lot 4 according to registered plan D 12 to Joseph R. Lee for the term of twenty-one years from 1st November, 1903, are confirmed and are declared to be valid leases of the lands therein respectively described.

10. The debentures issued by the churchwardens of the said church in pursuance of resolutions passed by the vestry of the said church on the 11th day of July, 1904, and the 31st day of January, 1905, securing in all the sum of \$11,500, are confirmed and are declared to be in all respects charges upon the property of the said church as valid and effectual as if the same had been issued by the rector and churchwardens of the said church under and in pursuance of the provisions of the said Act as hereby amended.

Debentures  
heretofore  
issued con-  
firmed.

11. The Corporation shall have power to take over the property situate in the City of Toronto now held by the Right Reverend the Bishop of Toronto for the endowment of said Trinity Church, and described as the west half and the north half of the east half of Lot Number 2 on the east side of Parliament Street in the said City, and the said Bishop shall have power to convey the said lands to the Corporation, who shall thereupon hold the same upon the trusts set out in a conveyance thereof made on the 4th day of May, 1846, by one Thomas Champion to the then Bishop of Toronto and his successors, and shall have in respect of the said lands the powers conferred by section 6 of this Act but the said lands shall not be subject to any existing or future debentures of the said Church. Upon conveying the said lands to the Corporation as aforesaid, the said Bishop shall be deemed to be released and discharged from all liability in respect of the said lands and in respect of the future administration of the trusts upon which the said lands are now held.

Corporation  
empowered to  
take over cer-  
tain property  
held by  
Bishop.

12. The Corporation shall have power to take over the fund, amounting to \$2,522.60, now held by the Municipality of the City of Toronto, being the amount of damages arising from the taking of certain lands which had been held by the Incumbent of the said Church for the endowment of the said Church under section 16 of *The Church Temporalities Act*, for the widening of Pape Avenue in the said City, and now held by the said municipality under section 444 of *The Municipal Act*, and the Municipal Corporation of the City of Toronto is hereby authorized and empowered to transfer and pay over the said fund, together with three months' interest thereon in advance as agreed, to the Corporation. The said fund shall be used by the Corporation exclusively for the purposes for which they are authorized to borrow money on debentures under the provisions of this Act, and the Incumbent of the said Church for

Corporation  
empowered to  
take over fund  
from City of  
Toronto.

for the time being shall be entitled to receive from the Corporation interest on the said fund at the rate of five per cent. per annum, payable half yearly, from the date at which the said fund is paid over to the Corporation, which said fund of \$2,522.60 and interest thereon at the rate aforesaid shall be a charge upon the property of the Corporation in favour of the said Incumbent for the time being as valid and effectual as if payable under a debenture issued under the provisions aforesaid.

Reference to  
Act to be  
marked by  
Registrar on  
certain plans.

**13.** The Registrar of Deeds for the Eastern Division of the City of Toronto, shall forthwith after the passing of this Act mark in red ink upon each of the plans registered in the registry office for the said division as Plan D 12, Plan 122, and Plan 263 E, a reference to this Act; and shall also with red ink upon said Plan 263 E mark as struck out the word "private" before the word "roadways" in the title of said Plan and in the owners' certificate thereon endorsed and the word "Lane" after each of the words "Derby" and "Erin," and for the said word "Lane" shall in each case substitute the word "Street."



## CHAPTER 143.

An Act respecting the Burial Ground of the First  
Methodist Church in Picton.*Assented to 14th May, 1906.*

**W**HEREAS the Board of Trustees of the Congregation Preamble.  
of the First Methodist Church in Picton have, by  
their petition, represented that the said church is  
seized of the following lands, in the Town of Pic-  
ton, namely, lots number 908, 909, 910, 911, and  
the northeasterly part of Roblin Street, adjacent to  
the northwesterly end of said lots, the northerly  
parts of lots numbers 912, 913, 914, 915 and 920, the  
westerly part of lot number 1003, and the southeasterly  
part of lot number 894, as shewn on a plan of said town  
made by R. W. Herman, P.L.S., which said lands are  
more particularly described, and may be butted and  
bounded as follows, that is to say: Commencing at the  
intersection of the southeasterly limit of Mary Street,  
where the division line between lot "A" and lot One in the  
first concession north of the "Carrying Place" in the Town-  
ship of Hallowell, intersects the said southeasterly limit of  
Mary Street, thence N 61° E along said Mary Street one  
chain six and two-third links to a point sixty-six and five-  
sixths links from Bowery Street, thence S 29° E parallel  
with Bowery Street one chain thirty-four and two-fifth  
links, thence S 22° 41' W parallel with Ferguson Street  
twenty-five and two-third links to the said division line  
between lot "A" and lot One, thence S 22° 41' W one  
chain and sixty-seven links, thence S 61° E nine links,  
thence S 22° 41' W parallel with Ferguson Street four  
chains and thirty-four links to the northerly limit of a  
lane, thence N 76° 45' W three chains and thirty-five  
links to the westerly limit of Roblin Street, thence N 22°  
41' E along said limit three chains and thirteen links,  
thence N 76° 45' W one chain and forty-six links to C. S.  
Wilson's lot, thence N 36° E three chains and twelve links  
to a post planted, thence southeasterly one chain and fifty  
links, more or less, to the aforesaid southeasterly limit of  
Mary

Mary Street, thence N 61° E along said limit of Mary Street to the place of beginning; that the said lands were for many years used by the said congregation for the purpose of a burial ground, and that for about thirty years the said lands have not been used as a burial ground, that the council of the municipal corporation of the Town of Picton has by by-law prohibited further burials in the said lands, that a large number of the bodies buried in said lands have been removed and re-interred in the Glenwood Cemetery adjoining the Town of Picton, and that from the location of the said lands in the central part of the Town of Picton it is desirable, in the interest of the public health, that the said lands should be closed as a burial ground, and that the bodies now remaining in said lands should be removed to the Glenwood Cemetery, that arrangements have been made with The Glenwood Cemetery Company for the re-interment of such bodies in said cemetery; and whereas the said Board of Trustees have prayed that they may be authorized to remove the bodies, monuments and erections now remaining in said burial ground to the Glenwood Cemetery, and that the said church may hold the said lands free and discharged of and from all claims and demands of any person or persons who may have purchased lots for burial purposes in said lands or their representatives; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Removal of  
remains of the  
dead.

1. The said Board of Trustees are hereby authorized forthwith, after giving notice as hereinafter mentioned, at their own expense, to remove from the said burial ground the remains of the dead therein interred to The Glenwood Cemetery at the sole cost of the said Trustees, and to re-inter such remains decently and in order, and to re-erect any monuments or headstones erected in the said old burial ground at the time of such removal, such removals and re-interments to be made so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the said deceased.

Notice to  
relatives.

2. The said Board of Trustees shall, before removing the remains as aforesaid, during the period of one month, publish a notice once in each week in two newspapers published in the said Town of Picton, and in *The Ontario Gazette*, stating their intention to remove the said remains upon and after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of said notice, and no further or other notice to the representatives, friends or relatives of the deceased shall be necessary.

3. It shall be the duty of the said Board of Trustees to use due care and diligence to remove the remains of all the dead from the said lands, and if it shall be made to appear to the County Judge of the County of Prince Edward for the time being, and if he shall so certify under his hand, that the remains of all the dead now interred in said burial ground, so far as the same can be discovered, have been removed from the said burial ground, then such certificate shall be registered in the registry office of the said county on the production thereof to the Registrar, and the payment to him of one dollar as a fee for such registration, and thereupon the said lands hereinbefore described shall be vested in the board of Trustees of the said Methodist Church, their successors and assigns free and discharged of and from all claims and demands of any person or persons who may have purchased lots for burial purposes in said lands or their representatives, friends or relatives.

Certificate of  
County Judge  
as to removal  
of remains

## CHAPTER 144.

## An Act respecting Toronto Free Hospital for Consumptives.

*Assented to 14th May, 1906.*

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that they and such other persons as are associated with them in the establishment of a public institution, or institutions, in the Province of Ontario for the isolation, treatment and cure of persons affected with pulmonary disease, may be incorporated under the name of "Toronto Free Hospital for Consumptives," for the purposes and with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. William James Gage, William Andrew Charlton, Harvey Prentice Dwight, Herbert Carlyle Hammond, James Loughlin Hughes, Robert Holtby Davies, Ambrose Kent, and William Lloyd Wood, all of Toronto, together with such persons as become associated with them as hereinafter mentioned, are hereby constituted a body politic and corporate under the name and style of "Toronto Free Hospital for Consumptives," with power to establish, equip, maintain and conduct in such place or places within Ontario as are decided upon as hereinafter mentioned, public institutions for the isolation, treatment and cure of persons affected with pulmonary disease, and with power to acquire by gift, purchase, or otherwise, moneys and property, and hold for the use of the corporation moneys and personal property of all kinds, also such real property as may be necessary for the purposes of the corporation; provided always that the corporation shall within ten years of its acquisition of any real estate sell or otherwise dispose of and alienate so much of such real estate as is not required for



for the purposes of the corporation; and with power to from time to time to borrow money upon the credit and for the purposes of the corporation, and to mortgage, hypothecate, or pledge the property and assets of the corporation as security for the sums borrowed and interest; and with all such other powers and rights as are incident to such undertaking.

2. No parcel of land or interest therein at any time acquired by the corporation and not required for its actual use and occupation and not held by way of security or not situate within the limits or within one mile of the limits of any city or town in this Province shall be held by the corporation or by any trustee on its behalf for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of so that the corporation shall no longer retain any interest therein unless by way of security. Any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned held by the corporation for a longer period than seven years without being disposed of shall be forfeited to His Majesty for the use of this Province; provided, that the Lieutenant-Governor in Council may extend the said period from time to time not exceeding, in the whole, twelve years; and further provided, that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture; and it shall be the duty of the corporation to give the Lieutenant-Governor in Council, when required, a full and correct statement of all lands at the date of such statement held by the corporation or in trust for the corporation and subject to this section.

Power as to holding lands, etc.

3.—(1) The management of the property and affairs of the corporation shall be vested in eight or more trustees, appointed as hereinafter mentioned, who may make by-laws for the following purposes:—For the reception, isolation, treatment, and dismissal of patients in the institutions hereby authorized, the employment, training and discipline of medical, surgical and other attendants, nurses and officials, the attendance upon and visitation of patients by members of the medical profession or of other scientific or educational institutions or faculties, and for all other things pertaining to the management and conduct of the institutions; for the management of all the properties and moneys of the corporation, including the investment of moneys, the variation and calling in of investments and the re-investment thereof, the expenditure of the proceeds of investments, and of all other moneys available for the support and maintenance of the institutions; for the borrowing from time to time upon the credit and for the purposes

Appointment of trustees to manage affairs of corporation—powers of trustees.

poses of the corporation, and to mortgage, hypothecate, or pledge, the property and assets of the corporation, as security for the sums borrowed and interest, but no person advancing money to said corporation shall be bound to see to the due application of the same or be answerable for any misapplication thereof; for the admission of associate members of the corporation, and for determining and regulating the terms of admission of such members; for increasing the number of trustees to such larger number than eight as they deem advisable, and for determining and regulating the qualifications and mode of appointment of additional trustees, and of trustees to fill vacancies as herein-after mentioned; for regulating the meetings and proceedings of the trustees and for determining the number of trustees required to constitute a quorum; and, generally, for the administration of all the affairs of the corporation; provided, that nothing herein contained shall permit the confinement of any person against his will in the institutions hereby authorized.

Appointment  
of other  
trustees.

(2) In addition to the trustees appointed as hereinbefore provided, other trustees may be appointed from time to time for limited terms of service to represent associate members and to represent municipalities granting financial assistance to said corporation, and by-laws may be made from time to time as hereinbefore provided for determining and regulating the number, qualifications, mode of appointment, and terms of service of such trustees.

First trustees.

4. The persons named in the first section of this Act shall be the first trustees of the corporation.

When office of  
trustee deemed  
to be vacant.

5. The office of trustee shall *ipso facto* become vacant by the resignation, death, insanity, or conviction of an offence against the criminal law of Canada, of any trustee; and the remaining trustees may forthwith appoint from among the persons possessing the necessary qualifications a trustee to fill such vacancy.

Head office.

6. The head office of the corporation shall be at the city of Toronto, or at such other place as is from time to time determined by the trustees.

Plans to be  
submitted to  
Prov. Sec'y and  
approved by on  
report of Prov.  
Bd. of Health.

7. The plans of any hospital or sanitarium hereafter to be erected, and of any proposed additions or alterations to buildings now in existence, shall be submitted to the Provincial Secretary, who shall submit the same to the Provincial Board of Health for report. Upon receiving the report of the Board of Health the Provincial Secretary may approve of such plans, subject, however, to such modifications and alterations as he may think best.

8. Every hospital or sanitarium established under the provisions of this Act shall be subject to the regulations to be made under Section 11 of *An Act respecting Municipal Sanatoria for Consumptives*, passed in the 63rd year of Her late Majesty's reign, chaptered 57. Regulations made under 63 Vic., c. 57, s. 11. to apply.

9. Notwithstanding any provisions of *The Consolidated Municipal Act, 1903*, the municipal council of any municipality of this Province may from time to time contribute out of the funds of the municipality to the funds of the trustees of the Toronto Free Hospital for Consumptives such amounts as the said council may deem right. Contributions by municipalities.

## CHAPTER 145.

An Act to incorporate the "Executive Committee of the Provincial Young Men's Christian Association of Ontario and Quebec."

*Assented to 27th April, 1906.*

Preamble.

WHEREAS an unincorporated association known as the "Provincial Young Men's Christian Association of Ontario and Quebec" having for its object the giving of greater permanency and efficiency to the general work of the Young Men's Christian Associations of Ontario and Quebec, has existed for some years past; and whereas the said association carries on its administrative work through an executive committee; and whereas John Penman, of Paris, Ontario, and Robert Kilgour, John Ogilvy Anderson, John James Gartshore, and Charles Moore Copeland, all of Toronto, Ontario, officers of the said executive committee acting on behalf of and by the instruction of the said committee and with the approval of the said association have by petition prayed to be incorporated and that all buildings, lands and equipment of the incorporated committee may be exempt from taxation except for local improvements; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation  
and powers.

1. John Penman, Robert Kilgour, John Ogilvy Anderson, John James Gartshore, and Charles Moore Copeland, and such other persons as are now members of the Executive Committee of the Provincial Young Men's Christian Association of Ontario and Quebec and their successors in office from time to time duly appointed by the Provincial Young Men's Christian Association of Ontario and Quebec in accordance with the constitution and by-laws of that association as at present in force or hereafter lawfully amended shall be and they are hereby constituted a body

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politic and corporate under the name of the "Executive Committee of the Provincial Young Men's Christian Association of Ontario and Quebec" and shall have power to acquire and hold for its own use or in trust for any local Young Men's Christian Association, real estate in Ontario or any leasehold or other interest therein, provided the annual value of the real estate so acquired or held and not actually used for the work of the corporation or in trust for any one local Young Men's Christian Association does not exceed at any one time \$25,000, and the same or any part thereof to alienate, exchange, mortgage, lease, or otherwise charge or dispose of as occasion may require; and shall also have power to acquire any other real estate or interest therein whether for itself or in trust as aforesaid (so long as the annual value of the same so acquired for itself or in trust for any one local association shall not at any time exceed \$10,000) by gift, devise, or bequest if made at least six months before the death of the party making the same; and shall have power to hold such estate or interest therein for a period of not more than seven years, and may within that time alienate or dispose of the same; and the proceeds of such estate or interest therein as shall have been so alienated or disposed of shall be invested in public securities, county or other municipal debentures, or other approved securities for the use of the said corporation or in trust as aforesaid; and such estate or interest therein as may not within the said period be alienated or disposed of may be forfeited to the Crown.

2. The object of the said corporation shall be the giving of greater permanency and efficiency to the general work of the Young Men's Christian Associations of Ontario and Quebec, and no association hereafter organized shall use the name "Young Men's Christian Association" either by itself or in conjunction with other words as the name of such hereafter organized association, except with the permission of the said corporation. Objects.

3. The officers of the said executive committee at the time of the passing of this Act shall be the officers of the said corporation and shall retain their respective offices until others shall be elected in their place. Officers.

4. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require. Annual return.

5. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate. Corporation not to engage in business of trading in real estate.

Personal estate to be held as though not directed to be laid out in purchase of land.

6. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of the corporation or in trust for the benefit of any local Young Men's Christian Association shall, except as hereinafter provided ~~be~~ as valid and as capable of being held to or for the benefit of the corporation or in trust as aforesaid as a bequest of personal estate would be by a will containing no direction to lay it out in the purchase of land.

Judge of High Court may sanction retention or acquisition of land.

7. The High Court, or a Judge thereof sitting in Chambers, if satisfied that land devised by will to or for the benefit of the Corporation or in trust as aforesaid, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the Corporation or for the purposes of a local Young Men's Christian Association, and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land.

Judge to act in summary manner.

8. The jurisdiction of the High Court under this Act is to be exercised by a Judge in Chambers or otherwise, and may be exercised in a summary manner so as to avoid all unnecessary expense.

Power to mortgage, sell, lease, etc.

9. The Corporation may from time to time mortgage, lease, sell or otherwise dispose of the real and personal property of the Corporation as it may deem proper, and every deed, mortgage, lease, conveyance or other instrument made by the said Corporation shall be duly executed by the affixing thereto of the corporate seal of the Corporation attested by the signatures of the chairman and secretary or by such other officers as may be duly authorized for the purpose.

Exemption from taxation.

10. The buildings, lands and equipment of the Corporation whether held for itself or in trust for a local Young Men's Christian Association, so long as and to the extent to which they are occupied by and used for the purposes of the corporation or by the local association for which they are held in trust as aforesaid, are declared to be exempted from taxation except for local improvements and school purposes.

## CHAPTER 146.

## An Act respecting the Young Men's Christian Association of Collingwood.

*Assented to 27th April, 1906.*

**W**HEREAS an Association under the name of the Young Men's Christian Association, of Collingwood, has existed for several years, having for its object the spiritual, mental and physical welfare of the young men of the Town of Collingwood and surrounding municipalities, and the promotion of Christian work in that town, and is governed by a constitution and by-laws which have received the assent of the members of the said Association; and whereas the members of the said Association have, by petition, prayed to be incorporated, and that the buildings, land and equipment of said Association may be exempted from taxation; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Alexander Copeland, William Anderson, Hamilton, Herbert Yonge Telfer, Frank Cavill, William Williams, Henry Poehlman, Samuel R. Clemes, Frank Foster Telfer, Albert Andrew Wilson, Frank E. Courtice, David Gibson Cooper, Francis William Bryan, Alexander McNeil McFaul, Arthur Haight Cuttle, and such other persons as are now or shall hereafter become members of the said Association, shall be, and they are hereby constituted a body politic and corporate, under the name of the Young Men's Christian Association, of Collingwood, and shall have power to acquire and hold real estate in the Town of Collingwood, or any leasehold or other interest therein, providing the annual value of the real estate so acquired or held and not actually used for the work of the said association does not exceed at any one time \$10,000, and the same, or any part thereof, to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require.

Incorporation.

Not to trade in  
real estate.

2. Nothing herein contained shall authorize the said Corporation to engage in the business of trading in real estate.

Constitution  
and by-laws.

3. The constitution and by-laws of the Association, being the constitution and by-laws adopted by the Association prior to its incorporation, and under which the Association has since been conducted, are and shall continue to be the constitution and by-laws of the said Association, but they, or any of them, may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Membership.

4. The members of the Association shall continue to be the members thereof, and the officers of the Association shall continue to hold office in the manner provided by and subject to the constitution and by-laws of the Association.

Directors.

5. The Corporation may by by-law increase or decrease the number of directors and provide as to their qualifications, mode of election, and the time for which they shall hold office.

Personal property  
vested in  
corporation.

6. The personal property of the Association shall become the property of, and is hereby vested in the said Corporation.

Object of  
corporation.

7. The object of the said Corporation shall be the spiritual, mental, social and physical improvement of young men, by the maintenance and support of meetings, lectures, reading rooms, library, gymnasiums and such other means as may from time to time be determined upon.

Technical  
education.

8. The said Corporation shall have power to establish a system of technical education, including such branches of science and development of such of the industrial arts as the board of directors of the said Corporation may from time to time determine.

Exemption of  
taxation.

9. The buildings, lands and equipment of the Young Men's Christian Association, of Collingwood, so long as occupied by and used for the purposes of the Association, are declared to be exempted from taxation, except for local improvements.

Contracts,  
negotiable  
instruments,  
etc.

10.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn or accepted, and every promissory note and cheque made or drawn on behalf of the said corporation by the President, Vice-president and Treasurer of the corporation or any two of them



them, in general accordance with their powers as such under the by-laws of the Corporation, shall be binding upon the Corporation but promissory notes or cheques payable to the order of the Corporation may be endorsed by either of these officers) and in no case shall it be necessary to have the seal of the Corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn accepted or endorsed as the case may be, in pursuance of any special by-law or special vote or order; nor shall the party so acting within his authority as agent, officer, or servant of the Corporation be thereby subjected individually to any liability whatsoever in respect thereof.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

## CHAPTER 147.

## An Act to authorize William J. Church to Practise as Veterinary Surgeon.

*Assented to 14th May, 1906.*

Preamble.

**W**HEREAS William J. Church, of the Village of Arthur, in the County of Wellington, Gentleman, has, by his petition, represented that he has for twenty years past in the said Village of Arthur, and in the adjacent townships thereto, performed operations and prescribed for and treated diseases of animals in the same manner as a veterinary surgeon, possessing a diploma from a veterinary college, would do; that for six years of the said period he practised as a veterinary surgeon with his brother, who is a graduate of the Ontario Veterinary College; that prior to the said period of twenty years, and when not engaged in his trade and business as a blacksmith, he assisted his father, who at that time practised as a veterinary surgeon in the said Village of Arthur; that owing to the experience which the said petitioner has gained as a result of practising with his father and his brother, as well as, on his own account, he believes that he has become as proficient and as well qualified to practise as a veterinary surgeon as one possessing a diploma or certificate from a veterinary college; and whereas it has been made to appear that the said William J. Church is otherwise a fit and proper person, and has been successful in the treatment of diseases of animals, and in performing operations; and whereas the said petitioner has prayed that an Act may be passed to authorize and enable him to practise as a veterinary surgeon; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

William J.  
Church author-  
ized to practise

It shall be lawful for the said William J. Church, and he is hereby authorized to practise as a veterinary surgeon, and

and to use the title of veterinary surgeon or any abbreviation thereof in the Province of Ontario, and he shall be entitled to professional fees in attending any court of law as a witness in such cases as relate to the said profession in the same manner and to the same extent as a person possessing a diploma or proper certificate from any duly authorized veterinary college within or without this Province, as provided by *The Act respecting Veterinary Surgeons*.<sup>as a Veterinary Surgeon, etc.</sup>

## CHAPTER 148.

An Act to authorize the Law Society of Upper Canada to permit George Macgregor Gardner to practise as a Barrister.

*Assented to 27th April, 1906.*

Preamble.

WHEREAS George Macgregor Gardner, of the City of Toronto, in the County of York, Solicitor, has by his petition represented that pursuant to the Statute passed by this Legislature, in the year 1899, chapter 119, he was on the 13th September, 1899, after passing the examination prescribed by the Law Society of Upper Canada, and paying the proper fee in that behalf, admitted by the Law Society to practise as a Solicitor of the Supreme Court of Judicature for Ontario, and that he has ever since his said admission continuously practised as such solicitor, at the City of Toronto, and that he is desirous of being admitted to practise at the bar; and whereas the said George Macgregor Gardner has petitioned that an Act be passed to authorize the Law Society of Upper Canada to admit him to practise at the bar of His Majesty's Courts in Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Law Society authorized to admit George M. Gardner to practise as a Barrister.

1. It shall and may be lawful for the Law Society of Upper Canada, at any time hereafter to admit the said George Macgregor Gardner to practice at the bar of His Majesty's Courts in Ontario, on his paying the proper fees in that behalf, and on passing such examination as may be prescribed by the said Society, and without complying with any other requirements of the law or any other rules or regulations of the said Society in that behalf.



## CHAPTER 149.

An Act to amend the Act to authorize the Supreme Court of Judicature for Ontario to admit William Walter Pope to practise in the said Court as a Solicitor.

*Assented to 27th April, 1906.*

**W**HEREAS William Walter Pope, of the City of Belleville, in the Province of Ontario, has by petition represented that by an Act passed in the fifty-second year of the reign of Her late Majesty Queen Victoria, chapter 101, the Supreme Court of Judicature for Ontario was authorized to admit the said Pope to practise as a Solicitor of the said Court upon his paying the proper fee in that behalf and passing the final examination for admission prescribed by the Law Society of Upper Canada without his compliance with any other requirement or provision of the law or other rules or regulations of the said Law Society in that behalf; that the said Pope has since the said Act was passed been continuously engaged in legal business in the office of the Solicitor for the Grand Trunk Railway Company of Canada, and the said legal business has been so important and constant that it has been impossible for him to attend lectures at the Law School or to present himself for the regular examinations of the said Law Society, and that he has since the passing of the said Act acquired such experience and knowledge as should entitle him to be called to the Bar and to be admitted as a Solicitor of the said Court; and whereas the said William Walter Pope has by his said petition prayed that an Act may be passed to amend the said Act so as to authorize the Law Society of Upper Canada to admit him to practise as a barrister and solicitor of the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

52 V. c. 101, s. 1.  
repealed.

1. Section 1 of the said Act passed in the fifty-second year of the reign of Her late Majesty Queen Victoria, Chapter 101, is repealed, and the following section substituted therefor:

Law Society  
authorized to  
admit William  
Walter Pope to  
practise as a  
Barrister and  
solicitor.

1. It shall be lawful for the Law Society of Upper Canada at any time hereafter to admit the said William Walter Pope to practise at the Bar in His Majesty's courts in Ontario, and to practise as a Solicitor in the Supreme Court of Judicature for Ontario on his paying the proper fees in that behalf and on passing such examination as may be prescribed by the said society, and without complying with any other requirements of the law or any other rules or regulations of the said Society in that behalf.

## CHAPTER 150.

An Act to authorize the Law Society of Upper Canada to admit Henry Ernest Redman to practise as a Barrister and Solicitor.

*Assented to 27th April, 1906.*

WHEREAS Henry Ernest Redman, of the City of Tor-<sup>Preamble.</sup>  
onto, Gentleman, has by his petition represented that for nineteen years past he has been continuously engaged as managing clerk in the office of the firm of Mulock, Tilt, Miller & Crowther and its successors, Barristers and Solicitors, practising in the City of Toronto, and by virtue of such position has acquired a general knowledge of the law as it is administered in the Province of Ontario; that during about ten years he had almost entire charge of the extensive practise of the said firm and its successors in regard to the settling and disposing of the affairs of the estates of deceased persons, including a number of estates of very large value, and frequently appeared in connection therewith before the Judges of the Surrogate Court of the County of York and other Surrogate Courts and in the Master's Office at Osgoode Hall, and that the work done by him in settling and disposing of the affairs of such estates has included a large amount of conveyancing; that during about eight years last past he has also made a study of the law relating to money by-laws of municipalities in the Province of Ontario and has investigated the validity of several hundreds of such by-laws and has drawn many such by-laws for various municipalities in the Province of Ontario; that during the greater part of the time he has been in the said office he has been engaged in business of the nature usually done by solicitors; that in the year 1903 he was appointed a Notary Public for Ontario and has used and exercised the powers granted to him by virtue of such appointment; that he intended in the year 1887 to adopt the profession of law, but, for financial reasons which unexpectedly arose, he found himself for several years unable to devote the time necessary to attend the course of lectures which students-at-law are required to attend, and latterly,

terly, owing to the constant attention required in the conduct of the large amount of business under his charge, he has been unable to devote the time necessary to attend such lectures and therefore did not become articulated; and whereas it has been shewn that the said Henry Ernest Redman is otherwise a proper person to be admitted to practise as a Barrister and Solicitor in the Province of Ontario; and whereas the said Henry Ernest Redman has petitioned that an Act may be passed to authorize the Law Society of Upper Canada to admit him to practise at the Bar of His Majesty's Courts in Ontario and also to practise as a Solicitor in the Supreme Court of Judicature; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Law Society  
authorized to  
admit Henry  
Ernest Redman  
to practise as  
Barrister and  
Solicitor.

1. It shall and may be lawful for the Law Society of Upper Canada at any time hereafter to admit the said Henry Ernest Redman to practise at the Bar of His Majesty's Courts in Ontario and to practise as a Solicitor in the Supreme Court of Judicature for Ontario on his paying the proper fees in that behalf and on passing such examination as may be prescribed by the said Society and without complying with any other requirements of the law or any other rules or regulations of the said Society in that behalf.



## TABLE

SHEWING

REVISED STATUTES AND SUBSEQUENT ACTS  
AFFECTED BY ACTS OF 6 EDWARD VII.

Act repealed or amended.	Subject Matter.	How affected.	Chapter of 6 Edward VII.
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Rev. Stat., c. 9...	Elections to Legislative Assembly ..	Amended .....	7, 8, 19
Rev. Stat., c. 11...	Controverted Elections .....	Amended .....	19
Rev. Stat., c. 12...	Legislative Assembly .....	Amended .....	19
Rev. Stat., c. 14...	Executive Council .....	Amended .....	10
Rev. Stat., c. 15...	Public Service .....	Amended .....	91
Rev. Stat., c. 23...	Audit of Public Accounts .....	Amended .....	19
Rev. Stat., c. 24...	Succession Duty .....	Amended .....	19
Rev. Stat., c. 26...	Algoma Land Tax .....	Amended .....	19
Rev. Stat., c. 28...	Public Lands .....	Amended .....	10
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Rev. Stat., c. 51...	Supreme Court of Judicature .....	Amended .....	19
Rev. Stat., c. 55...	County Courts .....	Amended .....	20
Rev. Stat., c. 60...	Division Courts .....	Amended .....	19
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Rev. Stat., c. 135...	Quieting Titles .....	Amended .....	19
Rev. Stat., c. 138...	Land Titles .....	Amended .....	19
Rev. Stat., c. 149...	Conditional Sales of Chattels .....	Amended .....	19
Rev. Stat., c. 162...	Marriage .....	Amended .....	19
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Rev. Stat., c. 206...	Trust Companies .....	Amended .....	19
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Rev. Stat., c. 308...	Street Railways .....	Repealed .....	30
Rev. Stat., c. 209...	Electric Railways .....	Repealed .....	30
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Act repealed or amended.	Subject matter.	How affected.	Chapter of 6 Edward VII.
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Rev. Stat., c. 248..	Public Health.....	Amended.....	19
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Rev. Stat., c. 319..	Institutions for Deaf and Dumb and Blind.....	Amended.....	57
61 V., c. 11.....	Mines.....	Repealed.....	11
62 V. (2), c. 8....	Supplementary Revenue.....	Amended.....	9
62 V. (2), c. 9....	Succession Duty.....	Amended.....	19
62 V. (2), c. 10...	Mines.....	Repealed.....	11
62 V. (2), c. 11...	Statute Law Amendments (Unorganized Territory).....	Amended.....	19
62 V. (2), c. 11...	Statute Law Amendments (Railways).....	Amended.....	30
62 V. (2), c. 22...	Loan Corporations.....	Amended.....	19
62 V. (2), c. 25...	Electric Railways.....	Repealed.....	30
63 V., c. 4.....	Elections to Legislative Assembly.....	Amended.....	8
63 V., c. 6.....	Supplementary Revenue.....	Amended.....	9
63 V., c. 13.....	Mines.....	Repealed.....	11
63 V., c. 29.....	Railway Aid.....	Amended.....	19
63 V., c. 30.....	Algoma Central Railway Land Grant.....	Amended.....	19
63 V., c. 31.....	Street Railways.....	Repealed.....	30
1 Edw. VII., c. 6..	Volunteers' Land Grant.....	Amended.....	13
1 Edw. VII., c. 8..	Succession Duty.....	Amended.....	19
1 Edw. VII., c. 16..	Land Titles.....	Amended.....	19
1 Edw. VII., c. 22..	Railway Aid.....	Amended.....	19
1 Edw. VII., c. 23..	Manitoulin and North Shore Railway Land Grant.....	Amended.....	19
1 Edw. VII., c. 25..	Street Railways.....	Repealed.....	30
1 Edw. VII., c. 32..	Improvement of Public Highways.....	Amended.....	43
1 Edw. VII., c. 33..	Toll Roads Expropriation.....	Amended.....	44
1 Edw. VII., c. 38..	Education Department.....	Repealed.....	52
1 Edw. VII., c. 39..	Public Schools.....	Amended.....	53
1 Edw. VII., c. 41..	University of Toronto and University College.....	Repealed.....	55
2 Edw. VII., c. 9..	Temiskaming and Northern Ontario Railway.....	Amended.....	12, 14
2 Edw. VII., c. 12..	Statute Law Amendments (Police Magistrates).....	Amended.....	19
2 Edw. VII., c. 12..	Statute Law Amendments (Trust Companies).....	Amended.....	19
2 Edw. VII., c. 17..	Devolution of Estates.....	Amended.....	23
2 Edw. VII., c. 19..	Land Titles.....	Amended.....	19
2 Edw. VII., c. 26..	Street Railways.....	Repealed.....	30
2 Edw. VII., c. 27..	Railways, Electric Railways, etc.....	Repealed.....	30
2 Edw. VII., c. 35..	Toll Roads Expropriation.....	Amended.....	44
2 Edw. VII., c. 43..	University of Toronto and University College.....	Repealed (except s. 7).....	55
3 Edw. VII., c. 2..	Algoma Land Tax.....	Amended.....	19

Act repealed or amended.	Subject Matter.	How affected.	Chapter of 6 Edward VII.
3 Edw. VII., c. 7.	Statute Law Amendments (Algoma Central Railway Land Grant)...	Amended.....	19
3 Edw. VII., c. 17.	Street Railways.....	Repealed.....	30
3 Edw. VII., c. 19.	Municipal Institutions.....	Amended.....	19, 31, 34, 35, 41, 58
3 Edw. VII., c. 22.	Drainage.....	Amended.....	37
3 Edw. VII., c. 23.	Public Libraries.....	Amended.....	38
3 Edw. VII., c. 27.	Motor Vehicles.....	Repealed.....	46
3 Edw. VII., c. 36.	Crown Lands set apart for University	Repealed.....	55
4 Edw. VII., c. 5.	Supplementary Revenue.....	Amended.....	9
4 Edw. VII., c. 10.	Statute Law Amendments (Elections)	Amended.....	8
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4 Edw. VII., c. 10.	Statute Law Amendments (Street Railways, etc.).....	Amended.....	30
4 Edw. VII., c. 18.	Railway Aid.....	Amended.....	19
4 Edw. VII., c. 19.	Aid to Industries at Sault Ste. Marie	Amended.....	3, 32
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4 Edw. VII., c. 33.	Boards of Education.....	Amended.....	54
4 Edw. VII., c. 35.	University of Toronto and University College.....	Repealed.....	55
5 Edw. VII., c. 5.	Executive Council.....	Amended.....	10
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TO

## ACTS OF THE PROVINCE OF ONTARIO

Second Session, Eleventh Legislature,  
6 Edward VII., 1906.

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